DOCUMENT RESUME

ED 318 184 EC 230 589

TITLE	Education of Individuals with Disabilities Act of 1989. Calendar No. 379.
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on Labor and Human Resources.
REPORT NO	Senate-R-101-204
PUB DATE	Nov 89
NOTE	98p.
AVAILABLE FROM	Superintendent of Documents, Congressional Sales Office, U.S. Government Printing Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090) -- Reports - Descriptive (141)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	Deaf Blind; *Delivery Systems; *Disabilities; Elementary Secondary Education; Emotional Disturbances; *Federal Legislation; *Federal Programs; Hearings; Postsecondary Education; Preschool Education; *Services; Special Education
IDENTIFIERS	Congress 101st; *Education of the Handicapped Act 1970

ABSTRACT

This report recommends reauthorization of the Education of the Handicapped Act (EHA) via Senate bill 1824, the Education of Individuals with Disabilities Act of 1989. The bill's primary focus is reauthorization of the discretionary programs of parts C through G of the EHA and creation of a new discretionary program addressing the special education and related services needs of children and youth with serious emotional disturbances. The legislative history of the EHA is provided, including summaries of hearings and testimony on its reauthorization. Another section offers a detailed explanation of the bill and the views of the Senate Committee on Labor and Human Resources, addressing: the bill's definitions, waiver of state immunity, administrative provisions, state plans, evaluation, regional resource and federal centers, services for deaf-blind children and youth, early education, postsecondary education, secondary education and transitional services, personnel preparation, clearinghouses, advancing knowledge and practice, and instructional media and technology. The report also provides a cost estimate from the Congressional Budget Office, a regulatory impact statement, a section-by-section analysis, and a reprint of the EHA showing proposed changes to the existing law. (JDD)

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ED318184

* Calendar No. 379

101ST CONGRESS
1st Session

SENATE

REPORT
101-204

EDUCATION OF INDIVIDUALS WITH DISABILITIES ACT OF 1989

NOVEMBER 15 (legislative day, NOVEMBER 6), 1989.—Ordered to be printed

Mr. KENNEDY, from the Committee on Labor and Human Resouces, submitted the following

REPORT

[To accompany S. 1824]

The Committee on Labor and Human Resources, to which was referred the bill (S. 1824), to reauthorize the Education of the Handicapped Act, and for other purposes, having considered the same, reports favorably thereon with amendments in the nature of a substitute and recommends that the bill as amended do pass.

CONTENTS

		Page
I.	Introduction	1
II.	Background and need for the legislation	2
III.	Legislative consideration and votes in committee	8
IV.	Explanation of the bill and committee views	8
V.	Cost estimate	38
VI.	Regulatory impact statement	39
VII.	Section-by-section analysis	39
VIII.	Changes in existing law	44

I. INTRODUCTION

On November 1, 1990, the Committee on Labor and Human Resources, by a unanimous voice vote, ordered favorably reported S. 1824, the Education of Individuals with Disabilities Act of 1989.

The bill is sponsored by Senator Tom Harkin, chairman of the Subcommittee on Disability Policy (formerly the Subcommittee on the Handicapped), and cosponsored by Senators Durenberger, Kennedy, Hatch, Dole, Simon, Jeffords, Matsunaga, Coats, Dodd, Pell, Metzenbaum, Adams, Mikulski, Chafee, Inouye, and Kerry.

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As approved by the Committee on Labor and Human Resources, the primary purpose of S.1824 is to amend the Education of the Handicapped Act to reauthorize the discretionary programs of part C through G. A new discretionary program addressing the special education and related services needs of children and youth with serious emotional disturbances is authorized. The bill authorizes the discretionary programs through fiscal year 1994.

II. Background and Need for the Legislation

Legislative History

The Education of the Handicapped Act (hereinafter referred to as EHA or "the Act"), includes parts A through H. Part A includes general provisions, including definitions. Part B of the Act, the State-formula grant program (The Education for All Handicapped Children Act, Public Law 94-142), requires each State receiving assistance to provide a free appropriate public education to all children with disabilities in the State. This part of the Act is permanently authorized. Permanent authorization of the State grants under part B of EHA was intended to signal the Federal government's commitment to assisting the States in enforcing the principle of equal educational opportunity for individuals with disabilities.

The discretionary grant programs, parts C through G of the Act, were enacted at various times, many prior to the State grant program, and in response to different and specific concerns. These programs provide support for research and demonstrations, dissemination of information, technical assistance, and training. The main and common goal is the improvement of early intervention, special education, and related services provided to infants, toddlers, children, and youth with disabilities. Only a few of the programs provide direct services, such as the deaf-blind centers, postsecondary programs, and media and captioned films loan services. The others may directly serve small numbers of children, but only in the course of research or demonstration projects. Some of these programs focus on specific disabilities, while others address all types of disabilities. The discretionary programs are authorized through fiscal year 1989.

The Education of the Handicapped Act Amendments of 1986 (Public Law 99-457), the last reauthorization in 1986, significantly expanded the Act. The 1986 amendments amended the preschool incentive provision in part B of EHA to strengthen the incentive for States to develop preschool programs for children with disabilities from age 3 through age 5, with the goal of serving all such children by no later than fiscal year 1991. A new part H, also established by the 1986 amendments, authorized Federal formula grants to States for the development and implementation of statewide systems to provide early intervention services for infants and toddlers with disabilities and their families. The part H program is authorized through fiscal year 1991.

The primary focus of this bill is the reauthorization of the discretionary programs.

HEARINGS AND TESTIMONY

The Subcommittee on Disability Policy held a hearing on Monday, April 3, 1989, to consider the reauthorization of the discretionary programs of the EHA.

The first witness at the hearing was Mr. Charles Kolb, Deputy Undersecretary for Planning, Budget and Evaluation, Department of Education. Mr. Kolb was accompanied by Patricia Smith, Acting Assistant Secretary, Office of Special Education and Rehabilitative Services, Department of Education, and Carol Cichowski, Director, Division of Special Education, Rehabilitation and Research Analysis, Office of Planning, Budget and Evaluation, Department of Education. Mr. Kolb discussed achievements made under the discretionary programs, as well as the Administration's proposed reauthorization bill.

The first panel addressed how the discretionary programs impact special education services for children with disabilities. The witnesses testifying were: Mr. Fred Weintraub, Assistant Executive Director for Governmental Relations for the Council for Exceptional Children, Reston, Virginia; Dr. Norena Hale, Manager, Unique Learner Needs Section, Minnesota State Department of Education, St. Paul, Minnesota; Pascal Trohanis, Director, National Early Childhood Technical Assistance System, Frank Porter Graham Child Development Center, University of North Carolina, Chapel Hill, North Carolina; and Dr. Sherril Moon, Associate Professor of Special Education and Associate Director, Rehabilitation Research and Training Center on Supported Employment, Virginia Commonwealth University, Richmond, Virginia.

The second panel discussed some of the unmet needs of the special education system and how the discretionary programs might address those needs. These witnesses included: Ms. Carla Lawson, Iowa Exceptional Parents Center, Fort Dodge, Iowa, on behalf of the National Network of Parent Centers; Dr. William Carriker, Professor of Special Education, University of Virginia, Charlottesville, Virginia, on behalf of the American Speech-Language-Hearing Association, Council of Administrators of Special Education, The Council for Exceptional Children, Council of Graduate Programs in Communication Sciences and Disorders, Higher Education Consortium for Special Education, and the National Association of State Directors of Special Education; and Ms. Jamie Ruppman, Vienna, Virginia, on behalf of the Consortium for Citizens with Disabilities.

The third and final panel considered how the discretionary programs might enhance the education of some populations of children with disabilities currently not being served optimally by the special education system. Witnesses on this panel were: Dr. Frank Bowe, former Chairman of the Commission on Education of the Deaf and currently Professor, Hofstra University, Hempstead, New York; Dr. Steven Forness, Professor and Inpatient School Principal, Neuropsychiatric Institute and Hospital, University of California, Los Angeles, on behalf of The National Mental Health and Special Education Coalition; and Dr. Judith Palfrey, Chief, Division of Ambulatory Pediatrics, The Children's Hospital, Boston, and Associate Professor of Pediatrics, Harvard University.

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Issues Raised

Based on testimony by witnesses at the April 3, 1989 hearing, additional testimony submitted for the record, and discussions with representatives of the disability community and experts in the fields of special education, early intervention, and related services, it became apparent that there were several issues which needed to be considered when developing a reauthorization bill.

Each year, research and demonstration projects funded under the discretionary programs of EHA generate new information to advance the fields of special education, related services, and early intervention. However, witnesses pointed out repeatedly that this new information, as well as important existing information, is not reaching those for whom it is intended, such as teachers in the classroom, providers of related services and early intervention services, administrators of such programs, parents of children with disabilities, and individuals with disabilities themselves. It became apparent that new emphasis must be placed on the dissemination of knowledge generated by the discretionary programs.

It also was noted that there is a need for the synthesis and dissemination of valuable existing information regarding the education of individuals with disabilities, as well as new information. It is important to identify the gaps in current knowledge so that future research priorities can be directed at areas of need, without duplication. In addition to research directed at improving the practice of special education, it was pointed out that in this era of limited financial resources a focus is also needed on research to help State and local educational agencies improve the management and effectiveness of programs in special education, related services, and early intervention.

Among the issues raised by witnesses and others is the continuing shortage of appropriately trained personnel to provide special education, related services, and early intervention services. In his testimony before the Subcommittee, Dr. William Carriker stated, "This nation has a serious shortage of qualified special education and related services professionals. Projections of both student and professional demographic data indicate that over the coming years the shortages will reach crisis proportion and seriously impede the ability to provide students with handicaps the special education and related services they are guaranteed under Federal law."

The U.S. Department of Education reports that in school year 1985–86 there was a shortage of 27,474 special education teachers needed to fill vacancies and replace uncertified staff, as well as 13,720 staff needed in all categories of personnel other that special education teachers. (Tenth Annual Report to Congress on the Implementation of The Education of the Handicapped Act, U.S. Department of Education, 1988.) Witnesses explained that this is reflective of a long term trend, and, furthermore, may inadequately represent the number of persons practicing in special education who do not meet state standards, a figure reported to be 30% nationally.

There has been a continuing decline over the past decade in special educators graduating from personnel preparation programs. The National Center for Education Statistics reports a 35 percent

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decline of such graduates within the decade. (Clearinghouse for Professions in Special Education, 1988)

Because of the lack of qualified special education professionals, the Subcommittee was told that school districts are increasingly having to employ strategies that seriously undermine the capacity of the nation to guarantee the provision of a free appropriate public education to children with disabilities. These include employing personnel to fill special education positions who do not meet state or professionally recognized standards; increasing class size and case loads beyond the capability of professionals to provide appropriate education; and constraining placement and programmatic decisions to meet available personnel resources rather than child needs.

The need was pointed out for better data to be collected, analyzed, and disseminated regarding the special education and related services work force, and that such data should include information about the characteristics of the present work force, projections of work force needs over a five year period, characteristics of persons leaving the work force, and the capacity and productivity of personnel preparation programs. The Subcommittee heard of the need to ensure that institutions of higher education have the capacity to prepare the qualified personnel needed, including special education leadership personnel, and of the need for an increase in the financial support available to students pursuing careers in special education both at the undergraduate and graduate levels. There is also a need for investment in research to develop knowledge about how to prepare personnel and improve the curricula that are used in personnel preparation programs.

Testimony was presented to the Subcommittee indicating that the parent training and information programs funded under part D of the Act are not adequately reaching parents in all the states and in all parts of the larger states. The ten states currently without such a parent training and information program are: Alaska, Hawaii, Idaho, Maryland, Nebraska, Rhode Island, South Carolina, Tennessee, West Virginia, and Wyoming, as well as the District of Columbia and the U.S. Virgin Islands.

These parent training and information programs assist parents (1) to better understand the nature and needs of their child's disability; (2) to provide follow-up support for their disabled child's educational programs; (3) to communicate more effectively with special and regular educators, administrators, related school personnel, and other relevant professionals; (4) to participate in educational decision making processes; (5) to obtain information about the programs, services, and resources available to their child with a disability, and the degree to which the programs, services, and resources are appropriate; and (6) to understand provisions for the education of children with disabilities as specified under Public Law 94-142.

In her testimony before the Subcommittee, Carla Lawson, director of the Iowa Exceptional Parents Center, quoted the parents of a child with a disability who explained, "We were at our wit's end and ready to institutionalize our child. We went to the parent center to make ourselves available to other parents who were having a rough time. We learned about services, programming for

our child, and were given the confidence to advocate on behalf of our child for a better program within the public school system. It kept our family together!"

Despite the importance of parental involvement in the education of their child with a disability, a recent study conducted by the Robert Wood Johnson Foundation presented the disturbing finding that many parents do not become involved in the educational planning process for their child. Some parents could not understand what they were told about their child's disorders, and some were intimidated by the process. (Serving Handicapped Children: A Special Report, The Robert Wood Johnson Foundation, 1988.)

Testimony delivered at the April hearing made it clear that students with serious emotional disturbances remain significantly underserved or unserved by the special education system. Despite this situation, witnesses felt that the Department of Education has not used its discretionary authority to adequately address the problems related to serving this population. Recent priorities of the Department for the next two fiscal years, published in the fall of 1988, included no priorities specifically targeted to this population.

Testimony noted the need not only for the preparation of special education and related services personnel to serve students with serious emotional disturbances, but also the need for a program of research and demonstration activities to improve information about identification and assessment of these students and the delivery of appropriate services to them. Other areas in need of further investigation include improvement of the knowledge and skills of parents to effectively advocate for their child with a serious emotional disturbance; addressing the needs of children with serious emotional disturbances from racially, ethnically, or linguistically diverse backgrounds; and improved coordination among the multiple agencies that provide services to children with serious emotional disturbances, especially between special education and mental health agencies.

The Subcommittee learned that significant advances have been made in a remarkably short period of time in the area of transition of individuals with disabilities from special education to post-secondary education, employment, and other adult services. Since Congress created the EHA discretionary program addressing transition in 1983, forty-two of the fifty states have developed and implemented at least one service delivery model focusing on transition, and the transition program has leveraged improvements in training, assessment, and interagency cooperation. As of January 1988, it was estimated that over 127,000 young people with disabilities have been helped by model demonstration projects alone.

The Subcommittee was told, however, that there are further needs in the area of transition appropriate for the discretionary programs to address. There is a need for demonstration projects promoting the successful collaboration between special education and rehabilitation agencies in meeting the transition needs of students with disabilities, and to provide for the use of rehabilitation counseling services in the secondary school setting for such students. Demonstration, training, and dissemination projects can ensure that best practices occurring in nearly every state are con-

verted to policy and daily practice for every student with a disability in need of transition services.

In addition, witnesses pointed out that there are multiple transitions in the lives of children with disabilities. Barriers remain to the successful transition of children with disabilities, including those children with chronic health impairments and those children dependent on medical technology, from medical care to the special education setting. Such medically dependent children may require individualized health-related services to enable them to participate in, or benefit from, special education. Such individualized health-related services are services not required to be provided by a physician, and could include suctioning, tracheostomy care, administration of oxygen, intermittent catheterization, gastrostomy or nasogastric tube feedings, administration ot intravenous medications, or other such services that could be provided by nursing personnel or other personnel with appropriate training.

The Subcommittee heard testimony regarding children with complex medical problems who were begun in special education programs, with an individualized educational program in place, without any medical or nursing input and before any assessment of the children's ongoing health care needs had been carried out. A need was noted for data to determine the numbers of such children for educational planning purposes, the need for training of staff to provide care to such children in the educational setting, and for demonstration models to improve collaboration between special education and health care professionals to facilitate the transitional and on-going needs of these students. There is also a need for research and models to address financial and liability issues, and models of case management.

A need has also been expressed to address other areas of transition for students with disabilities. Such transitions include the transition from the medical care setting, such as the intensive care nursery, to early intervention for infants with disabilities; the transition from early intervention to regular or special education preschool programs, which may be especially problematic when the lead agency for early intervention in a State is not the State educational agency; the transition between a separate educational placement, such as a separate school or separate classroom, and the regular classroom setting; and the transition between residential educational placements and special education services offered by the local educational agency.

Finally, it has become apparent to the Subcommittee that the particular needs of children with disabilities from the diversity of racial, ethnic, and linguistic backgrounds have been inadequately addressed in the context of special education. Testimony noted that in 1980, 12.5 percent of the U.S. teaching force in public elementary and secondary schools were members of a minority group. Since minorities comprised 21.3 percent of the national population, they were clearly under-represented among employed teachers. All trends indicate that, rather than growing in representation, minority teachers, especially blacks, are diminishing in number and as a proportion of all public school teachers. Indeed, projections are that, unless interventions reverse the trend, by 1990 the teaching force will be barely 5 percent minority, while fully one-third of the

students in public schools will be minority children. (Florida Education Standards Commission, 1987) Testimony was also presented that there is a need for an expanded effort to prepare persons from ethnic populations and persons with disabilities for positions in special education leadership, including administration, personnel preparation, and research.

It has also been pointed out that 17 percent of children aged five through seventeen years live in homes where a language other than English is spoken. Historically, special education research has not controlled for demographic variables.

III. Legislative Consideration and Votes in Committee

At the request of all members of the Subcommittee on the Handicapped, the bill was considered directly by the Committee on Labor and Human Resources.

In an Executive Session of the Committee on Labor and Human Resources on Wednesday, November 1, 1989, the motion to favorably report the bill as introduced with technical and conforming amendments was passed unanimously by voice vote of the Committee.

IV. Explanation of the Bill and Committee Views

Definitions

Section 2 of the bill modifies the definition of the term "children with disabilities" under section 602(a)(1) of the Act, as revised by the bill, to include those children with autism and those children with head injuries.

The Committee notes that "autistic condition" is included in the current definition of "handicapped children" in section 300.5 of title 34 of the Code of Federal Regulations (CFR) under the term "other health impaired". Despite this legal requirement to provide a free appropriate public education for such children, the Committee is concerned to learn that some children, who by reason of their autism require special education and related services, continue to face difficulty in receiving a free appropriate public education. By including autism in the statute, the Committee fully intends that children with autism, who by reason thereof require special education and related services, receive a free appropriate public education designed to meet their unique needs.

By including head injury under the definition of children with disabilities, the bill amends the Act to make it consistent with the Rehabilitation Act, as amended in 1986. The Committee has been made aware that students who suffer traumatic head injuries may experience problems in cognitive, social, and physical functions. Too often, the reaction of educators is to classify these students as mentally retarded, learning disabled, emotionally disturbed or into some other category which is inappropriate and which may lead to the student receiving inappropriate special education and related services. By including head injury under the definition of children with disabilities under the Act, the Committee intends that children with head injuries, who, because of such disability, need special education and related services, receive a free appropriate

public education which emphasizes special education and related services designed to meet their unique needs.

The Committee has been made aware that children having the condition of attention deficit disorder, and who, because of this disability, require special education and related services, may not be receiving a free appropriate public education. The Committee fully intends that the term "minimal brain dysfunction", as included under the definition of "specific learning disability" in 34 CFR 300.5, is to be interpreted to include the condition of attention deficit disorder.

The bill also amends section 602(a)(17) to include the term "social work services" under the definition of "related services". The Committee has been informed that problems persist in providing social work services as a related service necessary to ensure a free appropriate public education under the Act for children and youth with disabilities. This, despite the fact that social work services are explicitly included in the definition of related services in the regulations implementing the Act (34 CFR 300.13). According to the OSEP survey of expenditures for special education and related services, completed in 1988, only 40% of local educational agencies provide social work services. Because of the role school social workers play in special education—assisting children with disabilities to adapt to their educational environments, helping parents of children with disabilities to understand their child's disabling condition and the availability of special education services and supportive community resources, and in providing assessment and counseling services—the Committee feels that it is critical that schools make appropriate use of their services. The Committee urges the Secretary to ensure that State and local educational agencies provide social work services when needed and base IEP recommendations on the individual student's need for social work services, and not the perceived availability of such services.

The Committee continues to be concerned about the limited access of children and youth with disabilities to the services of rehabilitation counselors. As the Committee has stated before, the definition of the term "related services" in the Act includes counseling services. It is the strong intent of this Committee that counseling services be construed to include rehabilitation counseling services and that such services must be provided to a child or youth with a disability who requires such services in order to benefit from special education services, consistent with the child's or youth's individualized educational program.

The bill also adds to the Act definitions of the terms "assistive technology device" and "assistive technology service". These definitions are identical to the terms included in the recently enacted Technology-Related Assistance for Individuals With Disabilities Act of 1988 (Public Law 100–407), and are used elsewhere in the Act, as revised by this bill.

The term "assistive technology device" is defined to mean any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

The term "assistive technology service" is defined as any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device, including (a) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment; (b) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities; (c) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices; (d) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs; (e) training or technical assistance for an individual with disabilities, or where appropriate, the family of an individual with disabilities; and (f) training or technical assistance for professionals, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

Waiver of State Immunity

Section 3 of the bill adds a new section 604 to the Act to clarify the intent of Congress that a State is not immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of this Act. This provision is derived from S.1431, introduced on July 31, 1989 by Senator Tom Harkin of Iowa. In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in a suit against any public entity other than a state.

The bill also makes it clear that this clarification takes effect with respect to violations that occur in whole or in part after the date of enactment of the Education of Individuals with Disabilities Act of 1989.

On June 15, 1989, the Supreme Court, in a 5–4 decision (Dellmuth v. Muth) held that children with disabilities who are denied a free appropriate public education by a State are not entitled to be reimbursed for tuition paid by their parents for placement in an appropriate program. The Committee believes that the Supreme Court misinterpreted Congressional intent. Such a gap in coverage was never intended. It would be inequitable for EHA to mandate State compliance with its provisions and yet deny litigants the right to enforce their rights in Federal courts when State or State agency actions are at issue.

Administrative Provisions

Section 4 of the bill amends part A of the Act by adding a new section 610 to the Act. The new section 610(a) instructs the Secretary of Education, where appropriate, to require applicants for grants, contracts, and cooperative agreements under the discretionary programs of the Act to demonstrate in their applications how they will address, in whole or in part, the needs of infants, tod-

dlers, children and youth with disabilities from the diversity of racial, ethnic, and linguistic backgrounds.

The Committee has received a recent report from the National Council on Disability which concludes, "Several trends have emerged in recent years that indicate the need for a focus on minority students with disabilities. These trends include (1) an increase in the number of minority children attending school, (2) the persistence of poverty in minority communities, (3) the vulnerability of minority children to developing disabilities early in life and (4) the overrepresentation of minority students in special education classes. Projected increases of the number of minority children and the number of children in poverty combined with the vulnerability of minority populations to factors that increase the risk of developing disabilities (such as poor maternal nutrition and low birth weight) indicate that the need for special education services among minority children will likely increase. Recent testimony before Congress cited the need for consistent Federal, State, and local attention to the diverse issues confronting minority and culturally diverse children and youth with disabilities and their families."

The Committee encourages the Secretary of Education to more aggressively pursue efforts to improve the knowledge and capacity of persons involved in the provision of special education, related services, and early intervention to meet the unique needs of infants, toddlers, children, and youth from diverse racial, ethnic, and linguistic backgrounds and their families. Under authority of section 610(a) of the Act as added by the bill, the Committee expects that the Secretary will require, unless inappropriate, applicants for funds under this Act to demonstrate their plan to address directly or indirectly the unique needs of these children.

The new section 610(b) directs the Secretary to require all recipients of grants, contracts, and cooperative agreements under the discretionary programs of the Act to prepare the procedures used to carry out the grants, contracts, or cooperative agreements, the findings and conclusions derived from such grants, contracts, or cooperative agreements, and other relevant information relating to such grants, contracts, or cooperative agreements, in a form that will maximize the dissemination of such procedures, findings, and information and its use by providers of special education, related services, and early intervention, as well as administrators, researchers, the parents of children with disabilities, and others.

The Secretary may require the recipient of a grant, contract, or cooperative agreement to deliver such procedures, findings, and information to appropriate networks that exchange knowledge and practice information about special education, related services, and early intervention for individuals with disabilities. The Committee intends that such networks may include, but are not limited to, the National Diffusion Network, the regional resource centers and coordinating technical assistance center established under the Act, appropriate information clearinghouses, parent organizations, including the Parent Training and Information program under the Act, appropriate professional organizations, and organizations representing individuals with disabilities.

The Committee strongly believes that recipients of funding for projects and programs under the discretionary programs should

ensure that procedures, methodologies, results, and conclusions from their programs or projects are prepared in a form that can be readily disseminated to, and understood and used by, personnel in the fields of special education, related services, and early intervention, parents, individuals with disabilities, and others.

After having heard similar testimony from several sources, the Committee has determined that the dissemination of knowledge regarding special education, related services, and early intervention should be among the major priorities of this reauthorization of the discretionary programs. The Committee believes that there currently exist networks that, if used efficiently and appropriately, can effectively disseminate information developed under the authority of the discretionary programs. The National Diffusion Network (NDN) is one of these. The Committee notes that the NDN facilitates school improvements by identifying and disseminating information about programs that work, bringing alternatives to the attention of educators throughout the Nation who are interested in improving their education programs, and providing training and followup technical assistance for those who decide to adopt a particular program. The Committee expects the Secretary to use the NDN for the enhanced dissemination of exemplary programs in special education. The Committee intends that the Secretary work with recipients of grants, contracts, and cooperative agreements under the Act to determine the appropriate mode of dissemination of such information.

The new section 610(c) directs the Secretary of Education to conduct at least one site visit during the course of each grant, contract, and cooperative agreement receiving $300,000 or more annually under the discretionary programs of the Act. The Committee is concerned that the Department of Education has not appropriately monitored recipients of discretionary funding in the past. It is the Committee's intent that the Secretary shall conduct at least one site visit during the life of any large grant, contract or cooperative agreement that exceeds $300,000 per year for the purpose of ascertaining the progress that is being made and the quality of the work being performed. The Secretary may utilize experts from the field to assist Department staff in conducting site visits.

State Plans

Section 5 of the bill strengthens section 613(a)(3) of the Act, relating to the comprehensive system of personnel development required under each State plan.

The bill specifies two major components that must be included in a State's comprehensive system of personnel development (CSPD). First, the CSPD must include a description of the procedures and activities the State will undertake to ensure an adequate supply of qualified special education and related services personnel. More specifically, this description must include the development and maintenance of a system for determining, on an annual basis, (a) the number and type of personnel employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate

State certification or licensure, and (b) the number and type of personnel, including leadership personnel, needed, and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other leaving of personnel from the field, and other relevant factors.

This component of the comprehensive system of personnel development must also include the development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the State that are preparing special education and related services personnel, including leadership personnel, by area of specialization, the numbers of students enrolled in such programs, and the numbers who graduated during the past year with certification or licensure, or with credentials to qualify for certification or licensure.

In addition, the first component of the CSPD must include the development, updating, and implementation of a plan that will address current and projected special education and related services personnel needs, including the need for leadership personnel, and which coordinates and facilitates efforts among State and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from diverse racial, ethnic, and linguistic backgrounds, and personnel with disabilities.

The second component of the comprehensive system of personnel development is a description of the procedures and activities the State will undertake to ensure that all personnel necessary to carry out part B of the Act are appropriately and adequately prepared. This includes (a) a system for the continuing education of regular and special education and related services personnel; (b) procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and (c) procedures for adopting, where appropriate, promising practices, materials, as well as technology.

In establishing these requirements for the State CSPD, the Committee sets forth the minimum essential components for the system. It is expected that States in developing their own systems will expand upon these requirements to assure that they have an adequate capacity to meet their own unique needs.

A broad coalition of national organizations presented testimony that documented the growing critical shortages of qualified special education and related services personnel and raised questions about future capability to guarantee children and youth with disabilities a free appropriate public education as required under this Act. The Coalition prefaced their recommendations with the following statement. "It is our belief that it is not too late to solve this problem; but to do so will require a coordinated significant effort on the part of professional associations, state and local education agencies, colleges and universities, the Federal government and the private sector."

The Committee believes that it is critical that priority be given to this problem and encourages the Secretary to develop and implement a plan, utilizing the broad authorities under this Act, to ad-

dress this problem. It is expected that the Secretary will develop and implement such a plan in a coordinated manner as recommended by the coalition.

In developing regulations for this section, the Committee expects that the Secretary will actively involve representatives from State educational agencies, local educational agencies, institutions of higher education and professional associations.

It is further expected that the Secretary will provide technical assistance to States to assist them in implementing these requirements. In this regard, section 16 of the bill amends section 632 of the Act to authorize such technical assistance. The Committee also amended section 632 to authorize States to be able to utilize funds under that section for developing and maintaining the CSPD and to support recruitment and retention efforts. The Committee notes that since the enactment of Public Law 94-142 in 1975 that participating States have had a responsibility to assure an adequate supply of qualified personnel and to operate effective CSPD systems. In authorizing the use of funds under section 632 for the development and maintenance of a CSPD system, it is the Committee's intent to supplement and strengthen rather than supplant present State efforts.

Just as the Committee is aware of the seriousness of the personnel shortage, the Committee is fully cognizant of the fact that it will take States time to fully implement these requirements. The Committee expects States and the Secretary to give priority to implementation with full implementation to be required by fiscal year 1992. The Committee expects that the Secretary, in conducting Federal State plan reviews and monitoring activities under part B prior to fiscal year 1992, will require States to demonstrate that they are making progress toward full implementation by fiscal year 1992.

The Committee notes that the resources necessary to prepare an adequate supply of qualified personnel and the system for doing so is not always under the authority of the State educational agency. For example, a State board of regents or a board of higher education may control the determination of what personnel preparation programs will be available and may control funding for such programs. Section 613(a)(13) of the Act currently requires the States to set forth policies and procedures for developing and implementing interagency agreements between the State educational agency and other appropriate State and local agencies on matters pertaining to the implementation of part B. The Secretary is authorized to require States to demonstrate that they have such agreements in place. The Committee expects the Secretary to require each State to develop the interagency agreements that are necessary for the State to effectively implement its comprehensive system of personnel development.

EVALUATION

Section 6 of the bill revises section 618 of the Act, to focus on data collection, technical assistance, and the preparation of an annual report. The bill moves the authority of the Secretary of Education to conduct studies, investigations, and evaluations, cur-

rently under section 618, to part E of the Act. The Committee believes that these latter activities are more appropriately placed under part E to ensure a coordinated and comprehensive research effort under the Act.

Section 6 of the bill addresses data collection requirements. The Committee understands that the collection of certain data relating to the part H program, currently required to be collected from the State educational agency, has been hampered by the fact that the State educational agency in many States is not also the designated lead agency under part H. The bill directs the Secretary of Education to obtain relevant data directly from the designated lead agencies in the States under part H of the Act. Such data would include the number of infants and toddlers with disabilities, in age group 0–2, in each State receiving early intervention services and the number and type of personnel that are employed in the provision of early intervention services to infants and toddlers with disabilities.

The bill clarifies existing language in the Act relating to the collection of data regarding the number of children and youth with disabilities in each State who are in separate classes, separate schools or facilities, or public or private residential facilities, or who have been otherwise removed from the regular education environment. It is intended that such data shall be collected by disability category.

The bill restricts the collection of data regarding the number of children and youth with disabilities exiting the educational system to children and youth from age 14 through age 21.

The bill deletes the current requirement in the Act that the Secretary collect data annually from the States regarding the anticipated services needed for the next year by the group of children and youth exiting the educational system. The bill replaces this requirement with a provision requiring the Secretary, at least every three years and using the data collection method the Secretary finds most appropriate, to provide a description of the services expected to be needed, by disability category, for youth with disabilities in age groups 12–17 and 18–21 who have left the educational system.

The Committee believes that the data currently being reported has limited validity, but still believes that information about anticipated services after exiting is important for ongoing policy formulation. The Committee has thus directed the Secretary, through the method he or she finds most appropriate, to obtain and report such data. In doing so, the Committee does not necessarily intend that such data will be collected through a statewide reporting mechanism. The Secretary is authorized to use surveys and other sampling techniques that are found to be appropriate, and to require State educational agencies and other providers under this Act to provide the data sought by the Secretary.

The bill deletes the requirement that the Secretary of Education, on at least an annual basis, obtain data relating to the amount of Federal, State, and local funds expended in each State specifically for special education and related services and for early intervention services. In place of such an annual data requirement, the Committee expects the Secretary to maintain a database, such as

the database developed for the recently completed special survey of expenditures, in order to permit periodic sampling of data related to expenditures for special education and related services. The bill clarifies that it is not intended that data regarding the number and type of personnel that are employed in the provision of early intervention services to infants and toddlers with disabilities be collected by disability category.

The bill deletes the existing requirement for collection of data regarding the estimated number and type of additional personnel by disability category needed to adequately carry out the policy established by the Act. The Committee intends the revisions in the requirements for the comprehensive system of personnel development to improve the collection of data regarding personnel needs. As discussed earlier in this report, the bill makes significant changes to current law to improve our Nation's capacity to assure an adequate supply of qualified special education and related services personnel. Under section 618(b)(5) of current law, states have been reporting data on the numbers of personnel employed and the numbers of personnel needed. There appears to be a general consensus that the data from the States is not adequate for either the States or the Federal government to appropriately plan long-term strategies to relieve the serious personnel shortages. For this reason, the Committee amended section 613(a)(3) to provide for the development and implementation of a more comprehensive State-based data system. The Committee expects that, beginning with fiscal year 1992, the Secretary will collect from the States and report to the Congress the data required in section 613(a)(3), as amended, in a manner determined by the Secretary. Until such time, the Committee intends that the Secretary will continue to collect and report to the Congress the data required under current law.

The bill deletes requirements for the Secretary to obtain data to provide a description of the special education and related services and early intervention services needed to fully implement the Act throughout each State. The Committee recognizes that collection of such data from the State educational agencies has been problematic in that it has been difficult to collect data that is comparable from State to State and that accurately reflects current service needs.

The bill deletes the authority under section 618 of the Act for the Secretary to (a) enter into grants, contracts, or cooperative agreements to provide for evaluation studies to determine the impact of the Act; and (b) to enter into cooperative agreements with State educational agencies and other State agencies to carry out studies to assess the impact and effectiveness of programs assisted under the Act. The bill moves such authorities to part E of the Act. The bill also deletes the specific requirements under section 618 for the Secretary to conduct a longitudinal study of a sample of students with disabilities, and a study focusing on obtaining information regarding State and local expenditures for special education and related services. The bill moves the requirement to complete the longitudinal study to part E. The Committee notes that the study on expenditures has recently been completed.

The bill deletes (a) the requirement that the Secretary provide technical assistance to participating State agencies in the implementation of study design, analysis, and reporting procedures, and (b) that the Secretary disseminate information from studies conducted under section 618. The Committee notes that these requirements are no longer relevant in light of the other changes in section 618 of the Act discussed in the preceding paragraph.

The bill requires the Secretary to provide, directly or by grant, contract, or cooperative agreement, technical assistance to State agencies, including the lead agencies under part H of the Act, providing data required under section 618 of the Act as revised by the bill. It is the Committee's intent that this technical assistance include technical assistance to the State educational agencies in developing those provisions of the State's comprehensive system of personnel development related to satisfying the data requirements under section 618.

The bill retains the requirement that the Secretary prepare, publish, and disseminate an annual report on the progress being made toward the provision of a free appropriate public education to all children and youth with disabilities and early intervention services for infants and toddlers with disabilities. The Committee's clear intent is that a copy of the report shall be transmitted to the appropriate Committees of each House of Congress not later than 120 days after the close of each fiscal year. The bill retains the provision that the annual report shall be published and disseminated in sufficient quantities to the education community at large and to other interested parties.

Concerning the annual report, the bill deletes requirements to include in the annual report (a) an index and summary of each evaluation activity and results of studies conducted under section 618; (b) an analysis and evaluation of the participation of handicapped children and youth in vocational education programs and services; (c) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to ensure that children and youth with disabilities receive special education and related services in the least restrictive environment, and (d) any recommendations for change in the provisions of the Act or any other Federal law providing support for the education of children and youth with disabilities.

In place of the first such requirement, the bill requires the Secretary to include in the annual report findings of projects funded under part E of the Act. The Committee does not intend that the Secretary produce in the annual report to Congress a compilation of summaries of each Part E project's findings. Rather, it is expected that findings of projects funded under Part E that have relevance to the content of the annual report be included, as appropriate. Further, this requirement is not meant as a substitute for the dissemination requirements under section 610(b).

Regarding the second and third requirements, the Committee notes that there is no existing system for the annual collection of such data, and that such information may be more appropriately gathered, if necessary, under the research authority of part E of the Act.

23-782 O - 89 - 2

Finally, regarding the fourth requirement, the Committee notes that despite the current statutory requirement, annual reports to date have not included the Secretary's recommendations for change in the provisions of the Act. The Committee also notes that there exist other means by which the Secretary informs Congress of any recommendations the Secretary may have for change in the provisions of the Act.

The bill retains the requirement currently existing in the Act for the Secretary to include an index of all current projects funded under parts C through G of the Act in the annual report every third year.

The bill updates the Act to delete requirements to include data reported under sections 621, 623, 627, 641, and 661 in the annual report. The Committee notes that there are no current data requirements under those sections of the Act.

Section 6 of the bill further amends section 618 of the Act to authorize to be appropriated $3,594,000 for each of the fiscal years 1990 through 1994. The authorization level for fiscal year 1990 reflects the actual appropriation already made for that fiscal year. The authorization levels over the next five years reflect the diminished scope of activities authorized under section 618 of the Act as revised by the bill, while permitting inflationary adjustments. These activities now include data collection, technical assistance, and the preparation, publication, and dissemination of an annual report. The Committee acknowledges that there may be expenditures involved should an alternative method for the collection of data regarding services expected to be needed for youth with disabilities who have left the educational system be found most appropriate by the Secretary.

Regional Resource and Federal Centers

Section 7 of the bill amends section 621 of the Act to authorize the Federal coordinating technical assistance center to (a) provide information and training regarding the submission of applications for grants, contracts, and cooperative agreements; (b) give priority to providing technical assistance concerning the education of children with disabilities from diverse racial, ethnic, and linguistic backgrounds; (c) exchange information with, and where appropriate, cooperate with other centers addressing the needs of children with disabilities from diverse racial, ethnic and linguistic backgrounds; and (d) provide assistance to State educational agencies, through the regional resource centers, for the training of hearing officers.

With respect to the last point, the National Council on Disability, in a recent report entitled The Education of Students with Disabilities: Where Do We Stand?, states, "There are no standard qualifications or training requirements for hearing officers. Testimony received by the Council underscored the need for some kind of standardized training or minimum competencies for hearing officers." It is the Committee's intent that the authority pertaining to the training of hearing officers is not intended to substitute for State responsibility to provide such training nor is the coordinating technical assistance center to directly provide such training. Rather it

is intended to support the ongoing training programs of the States. Thus, services of the coordinating technical assistance center may be made available to State educational agencies, through the regional resource centers, for the training of hearing officers.

Services for Deaf-Blind Children and Youth

Currently, section 622(a) of the Act authorizes the Secretary to make grants to, or enter into contracts or cooperative agreements with, public or nonprofit private agencies, institutions, or organizations to accomplish two objectives.

The first objective is to assist State educational agencies to assure deaf-blind children and youth provision of special education and related services as well as transitional and vocational services. Section 8 of the bill updates section 622(a) of the Act to reflect current practice by authorizing recipients of grants, contracts, and cooperative agreements to assist local educational agencies, as well as State educational agencies. Section 8 of the bill further amends section 622(a) of the Act to clarify that the activities authorized under section 622(a) include assisting State and local educational agencies and the designated lead agencies under part H of the Act to assure the provision of early intervention services to deaf-blind infants and toddlers. The Committee acknowledges the critical importance of early intervention for infants and toddlers with disabilities, including deaf-blindness.

In order to achieve this first objective, section 622(a)(2) lists several program components for recipients of grants, contracts, and cooperative agreements. The bill amends section 622(a)(2) to include the following: (1) pilot projects that are designed to expand local educational agency capabilities by providing services to deaf-blind children and youth that supplement services already provided to children and youth through State and local resources, and which encourage eventual assumption of funding responsibility by State and local authorities; (2) research to identify and meet the full range of special needs of deaf-blind infants, toddlers, children, and youth; and (3) the development, improvement, or demonstration of new or existing methods, approaches, or techniques that contribute to the adjustment and education of deaf-blind infants, toddlers, children, and youth.

The second objective of section 622(a) of the Act is to assist State and local educational agencies to make available to deaf-blind youth upon attaining the age of twenty-two, programs and services to facilitate their transition from educational to other services. The bill amends section 622(a) of the Act to permit programs and services that facilitate the transition of deaf-blind individuals from educational to other services to begin before the age of twenty-two years. The Committee recognizes the benefits of early planning and provision of programs and services to facilitate the successful transition of youth with deaf-blindness from educational to other services.

The bill also amends the Act to allow grants, contracts, or cooperative agreements pursuant to paragraph (1)(B) of section 622(a) to provide assistance in the development or replication of successful

innovative approaches to providing supervised, as well as rehabilitative, semisupervised, or independent living programs.

The bill clarifies the Committee's intent that, to the extent practicable, the Secretary shall ensure that deaf-blind individuals in all parts of the country are assisted by programs authorized to carry out the objectives of section 622(a) of the Act. While the Committee confirms that section 622 is a discretionary program and does not constitute an entitlement to services, the Committee believes that if an applicant for funding as a single or multi-State center under this section submits a proposal which the Secretary deems inadequate, such applicant should be given an opportunity to take corrective action on its proposal prior to the Secretary's final decision on such proposal.

In order to carry out the objectives of section 622(a) discussed above, under section 622(b) of the Act the Secretary is also authorized to make grants or enter into contracts or cooperative agreements to establish and support single and multi-State centers to provide technical assistance for program development and expansion for the education of deaf-blind infants, toddlers, children, and youth. The bill amends section 622(b) to authorize these single and multi-State centers to provide pilot projects as described under section 622(a)(2)(A)(iv) of the Act as revised by the bill.

In authorizing pilot projects as described above, the Committee intends that funds be allocated to the single and multi-State centers which are funded under section 622(b) of the Act. The priorities for types of direct services to be provided under these pilot projects should be established within the single or multi-State centers, based on local needs of children with deaf-blindness. For example, such services might include, but not be limited to, extended school year programs for students with deaf-blindness, respite care, recreation services, case management, total life planning, and supported work. The Committee intends that such services provided under the pilot projects be supplementary to services otherwise required to be provided by State or local educational agencies under the EHA.

The bill further amends the Act to require the Secretary to enter into a cooperative agreement with an institution of higher education, public agency, or private nonprofit organization or institution for a national center on deaf-blindness to disseminate materials and information concerning effective practices in working with deaf-blind infants, toddlers, children, and youth. The Committee intends that experience and expertise specific to deaf-blindness should be considered when awarding this cooperative agreement. The Committee notes that such a center is currently operated at Gallaudet University.

Section 622 of the Act is further amended by the bill to delete the authority of the Secretary under this section to make grants to, or enter into contracts or cooperative agreements with, public or nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for severely handicapped children and youth. The bill also amends the Act to delete the authority of the Secretary under section 622 to make grants to, or enter into contracts or coopera-

tive agreements with, entities under section 624(a) for the purposes of such section.

The Committee is aware that, under current law, activities have been carried out with section 622 funds that have primarily benefited children with other severe disabilities. The Committee intends by the deletion of subsections (e) and (f) of the current Act to ensure that section 622 funds are to be used to support programs, the primary aim of which is to appropriately address the unique special education, related service, and early intervention needs of needs of infants, toddlers, children, and youth with deaf-blindness.

Early Education for Children with Disabilities

Section 9 of the bill amends the Act to clarify that programs under section 623(a) of the Act shall include activities and services designed to facilitate the development of other communication modes used by children for whom speech is not the primary mode of communication. With this amendment the Committee acknowledges that there are young children with certain disabilities for whom speech is not the primary mode of communication.

Section 623(a) of the Act currently authorizes the Secretary to arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations, for the development and operation of experimental, demonstration, and outreach preschool and early intervention programs for children with disabilities which the Secretary determines show promise of promoting a comprehensive and strengthened approach to the special problems of such children. The bill authorizes such programs to include four new activities and services.

First, the Secretary may fund programs to facilitate and improve the early identification of infants and toddlers with disabilities or those infants and toddlers at risk of having developmental disabilities. The Committee believes that early identification resulting in early intervention for such infants and toddlers can enhance their development and minimize their potential for developmental delay; reduce the educational costs to our society, including our schools; minimize the likelihood of institutionalization; and enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities.

Second, the Secretary may fund programs to facilitate the transition of infants with disabilities or infants at risk of having developmental delays, from medical care to early intervention services, and the transition from early intervention services to preschool special education or regular education services. Regarding the former, close on-going collaboration is needed between medical personnel and personnel providing early intervention services for infants and toddlers with disabilities or those at risk of having developmental disabilities, to ensure appropriate identification, referral, evaluation and intervention as well as the coordination of services provided by multiple providers in multiple settings. This is especially true for those infants and toddlers with chronic health impairments and those dependent on medical technology. Regarding the transitions from early intervention services to preschool special education or regular education, the Committee notes that such

transitions could be especially problematic in those situations where the lead agency for the early intervention program in a State is not also the State educational agency. Projects under this authority could address ways to improve such transitions.

Third, the Secretary may fund programs to promote the use of assistive technology devices and assistive technology services, where appropriate, to enhance the development of infants and toddlers with disabilities. The Committee has been presented with testimony stating that many children, including infants and toddlers, who could benefit developmentally from the use of assistive technology devices and assistive technology services do not have access to the devices and services they need. Projects under this authority could include those addressing systems improvements in the provision of assistive technology devices and services to infants and toddlers, including the need for information, training, and utilization of such devices and services.

Finally, the Secretary may fund programs to increase the understanding of, and address, the early intervention and preschool needs of children exposed prenatally to maternal substance abuse. The Committee notes with concern the increasing incidence of such children and believes further effort is required to understand the developmental implications of prenatal exposure to maternal substance abuse, and how the needs of such children can be appropriately addressed through early intervention, special education, and related services, as well as the implications of increasing numbers of such children for the service delivery system.

The bill adds a new authority to the Act which authorizes the Secretary to make grants to, or enter into contracts or cooperative agreements with, institutions of higher education and nonprofit private organizations, to synthesize the knowledge developed under section 623 and organize, integrate, and present such knowledge so it can be disseminated to and used by parents, professionals, and others providing or preparing to provide preschool or early intervention services, and to persons designing preschool or early intervention programs. Programs for Children with Severe Disabilities

The bill amends the Act to clarify that programs under section 624 of the Act are to address the special education, related services, and early intervention needs of infants, toddlers, children, and youth with severe disabilities.

The bill also adds an authority under section 624 for the Secretary to make grants to, or enter into contracts or cooperative agreements with, public or private nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for children and youth with severe disabilities. Such an authority, previously available under section 622 of the Act, is removed from section 622 by the bill.

The Committee has received testimony noting how the use of assistive technology devices and services for many children with severe disabilities can improve educational opportunities for such children, and allow them to fully benefit from appropriate special education and related services, as well as improving opportunities for integration of such children into classrooms with their nondisabled peers. The Committee intends that the use of assistive tech-

nology devices and services for children with severe disabilities may be addressed under the authority of this section.

Postsecondary Education

Section 11 of the bill amends section 625 of the Act to change the minimum amount of funding for the four regional postsecondary programs for the deaf from $2 million to $4 million. The Commission on Education of the Deaf has recommended that Congress increase funding to strengthen each regional postsecondary program for the deaf, thus allowing them to provide a broader range of educational options, including vocational and technical training, 2-year junior college, and baccalaureate programs. The Committee intends that the four regional postsecondary programs for the deaf shall provide model programs of support services including, but not limited to, preparatory programs, counseling, interpreting, notetaking, tutoring, housing, interpreter training, continuing education for deaf adults, instruction in sign language, and innovative programs of assistive technology devices and services for individuals who are deaf. The Committee intends, by increasing funding for the four programs, that they become truly regional programs, providing more outreach and technical assistance and other services to postsecondary institutions in their region in order to expand quality educational opportunities for individuals who are deaf.

The bill also amends the definition of "individuals with disabilities" for purposes of this section to include individuals with autism and individuals with head injury. These additions make the definition consistent with the definition of children with disabilities under section 602 of the Act as revised by the bill, and as discussed earlier in this report.

Secondary Education and Transitional Services for Children and Youth with Disabilities

Section 12 of the bill specifies that projects authorized under section 626(a) of the Act may include establishing demonstration models for services, programs, and individualized education programs which emphasize independent living for youth with disabilities.

The Committee found that children and youth with disabilities were often not taught independent living skills in the home and because of this had a more difficult time adjusting to the transition from school to work or higher education. During that transition period, individuals lacking these skills sometimes have to concentrate so much on daily living skills that they have trouble focusing on other aspects of their lives. Thus, the Committee believes it is important to expand the authorization under this section to allow for independent living model demonstration programs. The Committee encourages demonstrations that incorporate independent living programs into students' individualized education plans and into school curriculums. Independent living skills could include, but are not limited to, teaching a person with a disability how to do laundry, prepare meals, manage a checking account, use public transportation, and other activities of daily living.

The bill clarifies that projects assisted under section 626(a) may include developing related services, as well as special education curriculum and instructional techniques, that will improve disabled students' acquisition of the skills necessary for transition to adult life and services.

The bill also amends the Act to permit projects assisted under subsection 626(a) to include developing and disseminating exemplary programs and practices that meet the unique needs of students who utilize assistive technology devices and assistive technology services as such students make the transition to postsecondary education, vocational training, competitive employment (including supported employment), and continuing education or adult services. The Committee is concerned that students with disabilities often lose access to assistive technology devices and services when they make the transition from secondary school to adult services, including the vocational rehabilitation or other service delivery systems, or higher education. Thus, historically many of these students have not been successful in finding employment or receiving additional education or training. The Committee believes that projects and demonstration models are needed to establish appropriate methods of providing, or continuing to provide, assistive technology devices and services to such individuals with disabilities as they make the above transitions, including addressing improved coordination among State and local educational agencies and rehabilitation agencies.

Over 200,000 special education students exit our nation's schools on an annual basis. The Committee has heard from many students, parents, and advocacy and provider organizations that many of these individuals leaving school as young adults have no jobs, further training, or programs available to them. Some are forced to linger at home, with literally nothing to do. Years of valuable special education are wasted in such situations. One key resource for many special education students leaving school is the vocational rehabilitation system. This program fulfills a vital role for thousands of individuals with disabilities, helping to prepare them for the world of work through a variety of programs.

The Committee wishes to foster closer working relationships between schools and State vocational rehabilitation agencies. This strengthened relationship would result in more exiting special education students entering the vocational rehabilitation system. To improve the linkage between State special education systems and State vocational rehabilitation systems, the bill amends the Act to require the Secretary to award at least five grants on a competitive basis to projects in which the State educational agency and the State vocational rehabilitation agency submit a joint application to implement and improve transition services for youth with disabilities aged 14 through 21. The Secretary is directed to give priority to such joint applications that do the following:

(1) target resources to school settings, such as providing access to rehabilitation counselors for students with disabilities who are in school settings;

(2) provide for cooperative arrangements for interagency funding of transition services and that encourage public and private sector investment in transition services;

(3) provide for early,ongoing information and training for individuals involved with or who could be involved with transition services, such as professionals, parents, and youth with disabilities, including self-advocacy training for such youth; and

(4) which ensure, that when appropriate and no later that age 22, youth who participate in transition services will be served in accordance with the provisions of section 110 of the Rehabilitation Act of 1973 or under part c of title VI of the Rehabilitation Act of 1973.

Section 12 of the bill also amends section 626 of the Act to authorize grants, contracts, or cooperative agreements with institutions of higher education, State educational agencies, local educational agencies, other appropriate public and private nonprofit institutions or agencies, or other organizations or institutions as are determined by the Secretary to be appropriate, to address various other transitions that a child with a disability may face throughout such child's years in school. Such transitions would include the transition from medical care to special education for those children with disabilities, including those with chronic health impairments and those dependent on medical technology, who may require individualized health-related services to enable such children to participate in, or benefit from, special education. As noted in testimony discussed earlier, such individualized health related services are services not required to be provided by a physician, and could include, but not be limited to, suctioning, tracheostomy care, administration of oxygen or intravenous medications, intermittent catheterization, gastrostomy or nasogastric tube feedings, or other such services that could be provided by nursing personnel or other personnel with appropriate training.

Such transitions would also include, but not be limited to, the transition between residential placement and community-based special education services, and the transition between a separate educational placement and the regular classroom setting.

Activities authorized for such projects include, but are not limited to, research, demonstrations, and outreach; determinations of the number of children and youth with disabilities who need individualized health-related services to enable them to participate in, or benefit from, special education, and determinations of the types of health-related services needed by such children; training of personnel to provide health-related services; training of case managers to assist such children and their families to access and coordinate needed services; demonstration models to enhance and facilitate continuing interaction between medical and school personnel regarding the on-going needs of students with disabilities, including chronic health impairments; and demonstration models to explore multiple sources of funding for health-related services.

In making grants and entering into contracts and cooperative agreements under section 626(h), it is the Committee's intent that the Secretary ensure that approved activities will be coordinated with similar activities funded under other sections of this Act, and that, to the extent feasible, programs authorized under section 626(h) shall be geographically dispersed throughout the Nation in rural as well as urban areas. Programs for Children and Youth with Serious Emotional Disturbances

The bill amends the Act by adding a new section 627, entitled "Programs for Children and Youth with Serious Emotional Disturbances". The Committee strongly believes that there is a serious lack of research and demonstration initiatives specifically related to increasing understanding of the needs of this population of students, which the EHA explicitly says are entitled to a free, appropriate, public education. This new section of the Act authorizes the Secretary to make grants to institutions of higher education, State and local educational agencies, or other appropriate public and private nonprofit institutions or agencies for research, demonstrations, and training to improve special education and related services for children and youth with serious emotional disturbances. The new section 627 describes the activities for which such grants may be used, which include:

(1) studies regarding the state of special education and related services to such children and youth and their families, which would include the establishment and maintenance of data bases for assessing the status of such services over time;

(2) projects to develop methodologies and curricula designed to improve special education and related services programming for this population;

(3) projects to develop and demonstrate strategies and approaches to reduce the use of out-of-community residential programs and the increased use of school district-based programs including, but not limited to, day treatment programs, after-school, and summer programs;

(4) projects to develop the knowledge, skills, and strategies for effective collaboration among special education, regular education, related services, and other professionals and agencies, including demonstration projects;

(5) projects to demonstrate innovative approaches to prevent children and youth with emotional and behavioral problems from developing serious emotional disturbances that require the provision of special education and related services; or

(6) synthesis and dissemination of knowledge regarding special education and related services for children and youth with serious emotional disturbances.

With regard to number (5) above, the Committee believes that such projects can demonstrate new approaches that can prevent children and youth with emotional and behavioral problems from developing serious emotional disturbances that would then require the provision of special education and related services under EHA. By authorizing such projects, the Committee does not intend to expand the mandate of part B of the EHA.

The Committee heard testimony that the extensive use of out of community residential placements for children and youth with serious emotional disturbances suggests the need for a more careful examination of the reasons for such placement decisions and the degree to which such children and youth return to the community. Testimony emphasized that it is important that such placements be used only when they are the most appropriate setting for a child, and that institutional placement not be used as a substitute for appropriate community placements. The bill requires that at least one study conducted under the authority of paragraph (a) of subsec-

tion (1) of the new section 627 of the Act shall examine the extent to which out-of-community residential programs are used for children and youth with serious emotional disturbances, the factors that influence such placement decisions, the extent to which such children and youth return to educational programs in their communities, and the factors which facilitate or impede such return.

Authorization of Appropriations for Part C

Section 14 of the bill amends section 628 of the Act (redesignated by the bill as section 629 of the Act) to set authorization levels for sections 621, 622, 623, 624, 625, 626, and 627.

Pertaining to section 621, Regional Resource and Federal Centers, the bill amends the Act to authorize to be appropriated $7,500,000 for fiscal year 1990, $8,100,000 for fiscal year 1991, $8,750,000 for fiscal year 1993, $9,450,000 for fiscal year 1994, and $10,204,000 for fiscal year 1994.

Pertaining to section 622, Services for Deaf-Blind Children and Youth, the bill amends the Act to authorize to be appropriated $17,800,000 for fiscal year 1990, $19,220,000 for fisal year 1991, $20,760,000 for fiscal year 1992, $22,420,000 for fiscal year 1993, and $24,220,000 for fiscal year 1994.

Pertaining to section 623, Early Childhood Education, the bill amends the Act to authorize to be appropriated $27,410,000 for fiscal year 1990, $29,600,000 for fiscal year 1991, $31,970,000 for fiscal year 1992, $34,530,000 for fiscal year 1993, and $37,290,000 for fiscal year 1994.

Pertaining to section 624, programs for Children and Youth with Severe Disabilities, the bill amends the Act to authorize to be appropriated $6,500,000 for fiscal year 1990, $7,020,000 for fiscal year 1991, $7,580,000 for fiscal year 1992, $8,190,000 for fiscal year 1993, and $8,840,000 for fiscal year 1994.

Pertaining to section 625, Postsecondary Education Programs, the bill amends the Act to authorize to be appropriated $8,770,000 for fiscal year 1990, $9,470,000 for fiscal year 1991, $10,230,000 for fiscal year 1992, $11,050,000 for fiscal year 1993, and $11,930,000 for fiscal year 1994.

Pertaining to section 626, Secondary Education and Transitional Services, the bill amends the Act to authorize to be appropriated $9,000,000 for fiscal year 1990, $12,000,000 for fiscal year 1991, $15,000,000 for fiscal year 1992, $18,000,000 for fiscal year 1993, and $21,000,000 for fiscal year 1994.

Pertaining to the new section 627, Programs for Children and Youth with Severe Emotional Disturbances, the bill amends the Act to authorize to be appropriated $2,000,000 for fiscal year 1990, $5,000,000 for fiscal year 1991, $6,000,000 for fiscal year 1992, $7,000,000 for fiscal year 1993, and $8,000,000 for fiscal year 1994.

PERSONNEL PREPARATION

Section 15 of the bill amends section 631 of the Act in the following ways. First, section 15 clarifies that it is Congress' intent that the authority under section 631(a) refer to the training of personnel for careers in related services, as well as for careers in special education and early intervention.

Second, section 15 of the bill amends subsection (a) of section 631 of the Act, which primarily provides support for the preservice preparation of special education and related services and early intervention personnel. It is the Committee's intent to clarify that other personnel may secondarily benefit from activities supported under this subsection. For example, if funds are utilized to support faculty to teach preservice courses to prepare teachers of children wit serious emotional disturbances, then there is nothing in this section that would prohibit a student preparing to be a regular educator or anyone else, including regular educators or special educators already working in the field, from taking the courses offered by that faculty. However, the primary beneficiaries of these funds and the activities they support must be the personnel set forth in section 631(a)(1).

Third, the bill amends section 631(a) of the Act to direct the Secretary to establish priorities for (1) the recruitment and preparation of individuals from the diversity of racial, ethnic, and linguistic backgrounds, and individuals with disabilities, for careers in special education, related services, and early intervention, including special education leadership, and for (2) the preservice preparation of special education, related services, and early intervention personnel to serve individuals from the diversity of racial, ethnic, and linguistic backgrounds. The Committee is concerned that the Department of Education recently removed priorities for the training of personnel to serve minority children with disabilities, as well as provisions aimed at enhancing the participation of individuals who are member of underrepresented groups in training programs under part D of the Act. The Committee is strongly concerned that not enough has been done to address the lack of individuals from the diversity of racial, ethnic, and linguistic backgrounds, and individuals with disabilities, becoming teachers, administrators, and related services providers for the education of children and youth with disabilities.

Fourth, the bill adds an authority under subsection (b) of section 631 to allow special projects to develop and demonstrate new approaches for the recruitment and retention of special education, related services, and early intervention personnel.

Section 16 of the bill amends section 632 of the Act to clarify that grants made under section 632 shall be for the purpose of assisting States in establishing and maintaining preservice and inservice programs to prepare related services and early intervention personnel, as well as special education personnel.

Section 16 of the bill also adds a new authority under section 632 of the Act, amending the purpose of grants made to States under this section to include assisting the State in developing and maintaining the State's comprehensive systems of personnel development under parts B and H of the Act and in conducting personnel recruitment and retention activities. The Committee believes that the development and maintenance of a State's comprehensive system of personnel development, and the generation of meaningful personnel data that is comparable from State to State, is an important component of Committee's effort to address the ongoing personnel needs of the system to provide special education, early intervention, and related services.

The bill also authorizes the Secretary to provide directly or by grant, contract, or cooperative agreement, technical assistance to State educational agencies on matters pertaining to the effective implementation of section 613(a)(3), the comprehensive system of personnel development as revised by section 5 of this bill.

CLEARINGHOUSES

Currently, section 633(a) of the Act authorizes the Secretary to make a grant or enter into a contract with a public agency or a nonprofit private organization or institution for a "national clearinghouse on the education of the handicapped" to disseminate information and provide technical assistance on a national basis to parents, professionals, and other interested parties concerning programs relating to the education of individuals with disabilities under the EHA and under other Federal laws, and participation in such programs, including referral of individuals to appropriate national, State, and local agencies and organizations for further assistance. Section 633(b) currently directs the Secretary to make a grant or enter into a contract for a national clearinghouse on postsecondary education for individuals with disabilities for the purpose of providing information on available services and programs in postsecondary education for such individuals.

Section 17 of the bill amends sections 633(a) and 633(b) of the Act to more fully describe the scope of the authorized activities of these two clearinghouses. Through these amendments, the Committee intends that sections 633(a) and 633(b) be comparable to section 633(c), which describes the scope of a clearinghouse on personnel established under the 1986 amendments to the Act.

First, regarding a national clearinghouse on the education of individuals with disabilities, such clearinghouse shall (a) collect, synthesize, develop, and disseminate information on a national basis to parents, professionals, and other interested parties concerning programs and services relating to the education of individuals with disabilities under the Act and under other Federal laws; (b) participate in programs related to disability issues in order to provide outreach, technical assistance, information collection and dissemination, and referral of individuals to appropriate national, State, and local agencies and organizations; (c) coordinate outreach activities with relevant federal, State, and local organizations and other sources of information, programs, and services, including organizations representing individuals with disabilities, to promote public awareness of disability issues and the availability of information, programs, and services for infants, toddlers, children, and youth with disabilities; (d) provide technical assistance to national, Federal, regional, State and local agencies and organizations seeking to establish information and referral services for individuals with disabilities and their families; (e) participate in the dissemination of the results of research, demonstration projects, and models funded under parts C through G of the Act, as deemed appropriate by the Secretary; and (f) collect and provide the Secretary with data on the information needs of parents, professionals, individuals with disabilities, and others regarding the provision of special education, related services, and early intervention.

The clearinghouse on postsecondary education for individuals with disabilities shall collect, develop, synthesize, and disseminate information on a national basis to individuals with disabilities, parents, professionals, and other interested parties, regarding (a) available services and programs in postsecondary education for individuals with disabilities and characteristics of individuals entering into, and participating in, such programs; (b) laws affecting individuals with disabilities and programs affecting postsecondary education for individuals with disabilities; (c) sources of financial aid for the education and training of individuals with disabilities; and (d) policies, procedures, support services, adaptations, and other resources available or recommended to facilitate the education, rehabilitation, and retraining of adults with disabilities.

This clearinghouse shall also identify areas of need for additional information regarding postsecondary education for individuals with disabilities, and coordinate with professionals, relevant Federal, State, and local agencies, and appropriate organizations to disseminate information on, and promote awareness of, issues relevant to the postsecondary education of individuals with disabilities.

The bill also amends sections 633(a), 633(b), and 633(c) to permit the Secretary to establish these three clearinghouses through cooperative agreements. The Committee notes that this reflects the current practice of the Department of Education.

In addition, the bill amends subsection 633(c) of the Act to permit this clearinghouse to provide assistance to institutions of higher education, States, and others to recruit persons for professional careers in special education, related services, and early intervention, including providing strategies for recruiting individuals from the diversity of racial, ethnic, and linguistic backgrounds and individuals with disabilities.

The bill includes a provision specifying that, in awarding grants, contracts, or cooperative agreements under this section, the Secretary shall give particular attention to demonstrated experience at the national level in providing information services to racially, ethnically, and linguistically diverse consumers, rural and urban consumers, and organizations that serve infants, toddlers, children and youth with disabilities, their families, and professionals.

Through the above provisions relating to a national clearinghouse on the education of individuals with disabilities and a national clearinghouse on postsecondary education for persons with disabilities, the Committee intends to describe the current activities of these two clearinghouses, and expand the scope of their activities to enhance their outreach, networking, technical assistance, and dissemination capabilities to improve the provision of information to persons with disabilities and their families, professionals, and the general public. The Committee finds that a particular emphasis needs to be placed on outreach to traditionally underserved populations, including those representing the diversity of racial, ethnic, and linguistic backgrounds, and those in rural and urban areas. Coordination among the various clearinghouses and other agencies and organizations that participate in the dissemination of information regarding educational programs, services, legislation, and other relevant topics concerning infants, toddlers, children, and youth with disabilities is essential to maximizing such dissemi-

nation efforts, without duplication. The Committee believes that data regarding the information needs of individuals with disabilities and their families, professionals, and others, should be collected to assist the Secretary in identifying gaps in knowledge so that future research efforts can be directed toward areas of greatest need. Authorization of Appropriations for Part D

Section 18 of the bill amends section 635 of the Act to authorize to be appropriated $86,900,000 for fiscal year 1990, $93,850,000 for fiscal year 1991, $101,360,000 for fiscal year 1992, $111,500,000 for fiscal year 1993, and $120,420,000 for fiscal year 1994, to carry out part D of the Act, other than sections 631(c) and 633.

The bill retains the provision in the Act directing the Secretary to reserve not less than 65 percent of these funds for activities described in section 631(a)(1) of the Act (grants to institutions of higher education).

The bill also amends section 635 to direct the Secretary to reserve not less than 10 percent of the funds appropriated to carry out part D (other than sections 631(c) and section 633) for activities under section 632.

The bill creates a new line item to carry out subsection 631(c) of the Act pertaining to the parent training and information program, and authorizes to be appropriated for this purpose $9,000,000 for fiscal year 1990, $10,000,000 for fiscal year 1991, $11,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, and $13,000,000 for fiscal year 1994. By increasing the authorization levels for the parent training and information program, the Committee intends that this program move toward the goal of establishing a parent training program in each of the States.

The bill further amends section 635 of the Act to authorize to be appropriated to carry out section 633 pertaining to clearinghouses, $2,000,000 for fiscal year 1990, $2,160,000 for fiscal year 1991, $2,230,000 for fiscal year 1992, $2,520,000 for fiscal year 1993, and $2,720,000 for fiscal year 1994.

Advancing Knowledge and Practice

Section 19 of the bill amends the heading of part E of the Act to read, "Part E—Advancing Knowledge and Practice". The bill further amends part E by redesignating the current sections 642 (Research and Demonstration Projects in Physical Education and recreation for Handicapped Children), 643 (Panels of Experts), and 644 (Authorization of Appropriations) as sections 643, 644, and 646, respectively. The bill amends the heading of section 641 of the Act to read, "Research and Related Activities", adds a new section 642, headed "Program Management and Effectiveness", and adds a new section 645, headed "General Research Provisions".

Under section 641 of the Act as revised by section 20 of the bill, the Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations, to support a wide range of research, demonstrations, and related activities designed to (1) advance knowledge regarding the provision of instruction and other interventions to infants, toddlers, children, and youth with disabil-

ities, and to (2) advance the use of such knowledge by personnel providing special education, related services, and early intervention.

With regard to the former, activities may include, but not be limited to, (1) the organization, synthesis, and interpretation of current knowledge and the identification of knowledge gaps; (2) the identification of knowledge and skill competencies needed by personnel providing special education, related services, and early intervention services; (3) the improvement of knowledge regarding the developmental and learning characteristics of infants, toddlers, children, and youth with disabilities in order to improve the design and effectiveness of interventions and instruction; (4) the evaluation of approaches and intervention; (5) the development of instructional strategies, techniques, and activities; (6) the improvement of curricula and instructional tools such as textbooks, media, materials, and technology; (7) the development of assessment techniques, instruments, and strategies for the identification and evaluation of individuals eligible for special education, related services, or early intervention services; (8) the testing of research findings in practice settings to determine the application, usability, effectiveness, and generalizability of such research findings; and (9) the improvement of knowledge regarding families, racial and ethnic diversity, and disabling conditions.

With regard to advancing the use of such knowledge by personnel providing special education, related services, and early intervention, activities may include, but are not limited to, (1) the improvement of knowledge regarding how such individuals learn new knowledge and skills, and strategies for effectively facilitating such learning in preservice, inservice, and continuing education; (2) the organization, integration, and presentation of knowledge so that such knowledge can be incorporated in personnel preparation, continuing education programs, and other relevant training and communication vehicles; and (3) the expansion and improvement of networks that exchange knowledge and practice information.

The new section 642 of the Act created by section 21 of the bill is headed, "Program Management and Effectiveness". Subsection (a) of section 642 authorizes the Secretary to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, public agencies, and private nonprofit organizations, and, when necessary because of the unique nature of the study, private for-profit organizations, to conduct studies and investigations for improving program management, administration, delivery, and effectiveness necessary to provide full educational opportunities and early interventions for all children with disabilities from birth through age 21.

The purpose of such studies and investigations is to gather information necessary for program and system improvements. Activities include, but are not limited to, (1) developing racially, ethnically, and linguistically appropriate criteria and procedures to identify, evaluate, and serve infants, toddlers, children, and youth with disabilities for purposes of program eligibility, program planning, delivery of services, program placement, and parental involvement; (2) planning and developing effective early intervention services, special education, and related services to meet the complex and

changing needs of infants, toddlers, children, and youth with disabilities; (3) developing and implementing a comprehensive system of personnel development needed to provide qualified personnel in sufficient number to deliver special education, related services, and early intervention services; (4) developing the capacity to implement practices having the potential to integrate children with disabilities, to the maximum extent appropriate, with children who are not disabled; (5) effectively allocating and using human and fiscal resources for providing early intervention, special education, and related services; (6) strengthening programs and services to improve the progress of children and youth with disabilities while in special education, and to effect a successful transition when such children and youth leave special education; (7) achieving interagency coordination to maximize resource utilization and continuity in services provided to infants, toddlers, children, and youth with disabilities; (8) strengthening parent-school communication and coordination to improve the effectiveness of planning and delivery of interventions and instruction, thereby enhancing development and educational progress; and (9) the identification of environmental, organizational, resource, and other conditions necessary for effective professional practice.

The bill directs that the studies and investigations conducted under section 642(a) of the Act address the information needs of State and local educational agencies for improving program management, administration, delivery, and effectiveness.

The bill also directs the Secretary to develop and implement a process for the on-going identification of national program needs necessary for improving the management, administration, and effectiveness of programs and services provided under the Act. This process should identify implementation issues, desired improvements, and information needed by State and local educational agencies to achieve such improvements, and should be conducted in cooperation with State educational agencies to ensure broad-based statewide input from each cooperating State. The Secretary is expected to publish a program information plan describing such information needs every 3 years in the Federal Register for public comment. This program information plan shall be used to determine the priorities for the activities to be carried out under section 642(a).

The authority to provide for special studies to assess progress in the implementation of the Act is transferred from the current section 618 of the Act to the new section 642.

The bill directs the Secretary to complete the longitudinal study of a sample of students with disabilities, currently in progress.

Another study required by the bill shall be a nationally representative study focusing on the types, number, and intensity of related services provided to children with disabilities, by disability category. The Committee has received information indicating that a major cost of providing a free, appropriate, public education for all children and youth with disabilities is the provision of related services, such as speech-language pathology, audiology, physical therapy, occupational therapy, social work, psychological, or other related services. However, there is limited information available on the types, number, and intensity of related services provided.

23-782 O - 89 - 4

Under existing data collection requirements, such information is not collected. To facilitate policy development regarding the provision of special education and related services, the Committee intends that this study of related services shall provide information on the types, number, and intensity of related services provided to children and youth with disabilities, by disability category.

The bill also directs the Secretary to conduct a study that examines the degree of disparity among States with regard to the placement in various educational settings of children and youth with similar disabilities, especially those with mental retardation. The Committee intends that this study should examine, to the extent that such a disparity exists, the factors that lead such children and youth to be educated in significantly different settings.

The Committee notes that several recent special education studies reveal a very large variation among the States in the numbers of students with disabilities who are educated in separate classes or in separate facilities. For example, one State educates 90 percent of its students with mental retardation in separate classes, while another State educates only 27 percent of its students with mental retardation in separate classes. In regards to separate public school placements, one State places over 40 percent of its students with mental retardation in separate public schools, while at least three States place no students with mental retardation in separate public schools. Similar statistics are found for other types of disabilities. In the 11 years since the implementation of P.L. 94- 142, there has been no significant change nationwide in the use of segregated facilities to educate children with disabilities. The Committee is concerned that such placement variations may have significant implications on State and local school system policy and their meeting the least restrictive environment provisions of part B of the Act.

A fourth study to be conducted under this authority shall be a study examining the factors which have contributed to a significant decline in the number of children classified as having a specific disability since the implementation of part B of the Act. The Committee has learned that the total number of children with disabilities between the ages of six and 21 years of age served under part B of EHA has increased by almost 660,000 students in the past 11 years. For certain types of disabilities, however, the numbers served during that time have decreased. Among the types of disabilities which have experienced a decline in the total numbers served from the 1976-77 school year to the 1987-88 school year are: mental retardation (-280,000), speech impairment (-29,000), other health impairment (-73,000), orthopedic impairment (-29,000), deafness and hard of hearing (-16,000), and visual impairments (-9,000).

The bill also directs the Secretary to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, other public agencies, and private nonprofit organizations to organize, synthesize, interpret, and integrate information obtained under subsections (a) and (b) of section 642 with relevant knowledge obtained from other sources.

The bill also transfers to section 642 of the Act the authority, currently under section 618 of the Act, directing the Secretary to enter into cooperative agreements with State educational agencies

and other State agencies to carry out studies to assess the impact and effectiveness of the Act. The provisions of this authority remain unchanged.

Part E of the Act is further amended by section 22 of the bill which adds a new section 645, headed, "General Research Provisions". Under this new section the Secretary is directed to consider the special education, related services, or early intervention experience, and the research experience, of applicants under part E.

The new section 645 of the Act also addresses the publication of research priorities by requiring that the Secretary publish proposed priorities under part E in the Federal register not later than 12 months preceding the fiscal year for which they are being announced, and shall allow a period of 60 days for public comments and suggestions. The Secretary is also directed to publish final priorities in the Federal Register not later than 90 days after the close of the comment period.

This new section 645 of the Act also requires the Secretary to provide in the annual report described under section 618 of the Act, an index of all projects conducted under Part E of the Act in the preceding fiscal year. This index shall include the title of each project and the name and address of the funded organization.

Section 23 of the bill amends section 646 of the Act, as redesignated by the bill, to authorize to be appropriated $20,100,000 for fiscal year 1990, $25,000,000 for fiscal year 1991, $28,000,000 for fiscal year 1992, $31,000,000 for fiscal year 1993, and $34,000,000 for fiscal year 1994, to carry out part E of the Act.

The bill directs the Secretary to reserve 30 percent of the funds appropriated for part E for activities conducted under section 642, "Program Management and Effectiveness".

The Committee has consolidated the research authorities contained in the current section 618 of the Act under a revised part E. Part E, as revised by the Committee, recognizes the critical role the Federal government should play in supporting research and other forms of inquiry that will advance the knowledge and practices available to persons involved in the provision of special education, early intervention, and related services to infants, toddlers, children, and youth with disabilities. The Committee has established two major themes for such research. First, section 641 focuses on the knowledge needed to improve instruction and other interventions. This section is targeted at helping those person who work directly with children with disabilities. Section 642 focuses on the knowledge needed to improve the delivery of special education, related services and early intervention and to assess the effectiveness of such services.

The Committee recognizes that the improvement of knowledge and practice requires a sustained programmatic investment, and has set forth in each section broad programmatic areas of inquiry. While there are not sufficient resources to fund all of the areas of inquiry, the Secretary should develop in concert with the field programmatic plans for each area so as to provide direction for persons doing research not supported under this section, but rather supported by other sources of funding, both public and private.

Instructional Media for Individuals with Disabilities

Section 651 of the Act is amended by section 24 of the bill to clarify that programs under part F of the Act are intended to benefit individuals who are hard of hearing as well as individuals who are deaf. This section of the bill also clarifies that television programs as well as films may bring enriched educational and cultural experiences to individuals who are deaf or hard of hearing.

Section 25 of the bill amends section 652 of the Act in the following ways. First, the heading of section 652 is amended to reflect the new authority under this section to provide, by grant or contract, for the audio description of video materials (hereinafter referred to as "descriptive video") for blind and visually impaired individuals. This section of the bill also confirms the Secretary's authority to provide for the captioning of video materials, and to provide for the distribution of captioned video materials and descriptive video materials, as well as captioned films and other educational media and equipment, through State schools for individuals with disabilities, public libraries, and such other agencies as the Secretary may deem appropriate to serve as local or regional centers for such distribution. The Committee intends for the Secretary to support the production, distribution, and outreach activities related to a national broadcast service that makes television programs accessible to individuals who are blind or visually impaired. Finally, the Committee notes that the fiscal year 1990 Labor-HHS-Education Appropriations Act provides up to $1,000,000 for descriptive video services if a separate authorization for such services is enacted, and the Committee notes that the amendments made by this section meet this directive.

Section 652 of the Act is also amended to authorize the Secretary to make grants to or enter into contracts or cooperative agreements with, other appropriate nonprofit organizations, as well as the National Theater of the Deaf, Inc., for the purpose of providing cultural experiences to children and adults who are deaf or hard of hearing, and to increase public awareness and understanding of deafness and of the artistic and intellectual achievements of individuals who are deaf or hard of hearing. By amending this section, the Committee intends to allow for broader educational enrichment opportunities for individuals who are deaf or hard of hearing.

Section 26 of the bill amends section 653 of the Act to authorize to be appropriated to carry out part F, $16,540,000 for fiscal year 1990, $17,863,000 for fiscal year 1991, $19,292,000 for fiscal year 1992, $20,835,000 for fiscal year 1993, and $22,502,000 for fiscal year 1994.

Technology, Educational Media, and Materials for Individuals with Disabilities

Section 27 of the bill amends section 661 of the Act by deleting the word "new" before the word "technology" each time it appears. The Committee recognizes that there may be many appropriate applications of existing technology, the use of which should be advanced under the authority of this section of the Act.

Section 661 of the Act is further amended to authorize the Secretary, in carrying out this section of the Act, to fund projects or cen-

ters for the purposes of increasing access to and use of assistive technology devices and assistive technology services in the education of infants, toddlers, children, and youth with disabilities, and other activities authorized under the Technology-Related Assistance for Individuals With Disabilities Act of 1988, as that Act relates to the education of students with disabilities.

Section 28 of the bill amends section 662 of the Act to authorize to be appropriated to carry out part G, $11,030,000 for fiscal year 1990, $11,900,000 for fiscal year 1991, $12,860,000 for fiscal year 1992, $13,890,000 for fiscal year 1993, and $15,000,000 for fiscal year 1994. State Interagency Coordinating Council

Section 682 of the Act is amended by section 29 of the bill regarding the State Interagency Coordinating Council required of States participating under part H of the Act.

Currently the Act requires that the Council be composed of 15 members. For some States, this requirement conflicts with another existing provision requiring the Council to include members representing each of the appropriate agencies involved in the provision of or payment for early intervention services to infants and toddlers with disabilities and their families. The bill removes this cap of 15 members, while retaining the existing proportional representation of parents and early intervention providers on the Council and other requirements regarding membership.

The bill includes a "grandfather clause" which allows a State currently in compliance with the 15 member cap and other existing requirements for membership on the Council (with the exception of the requirement that all appropriate agencies involved be represented), to retain the current membership of its Council and remain in compliance with the Act. Existing Councils which meet the requirements of subsection (g) of section 682 of the Act as amended by this bill, shall likewise be considered to remain in compliance with the Act.

Terminology

The Act is amended throughout to replace the word "handicap" in all of its forms with the appropriate form of the word "disability". The Committee has heard from representatives of the disability community that the term "handicapped" focuses on a condition rather than on the individual, and that such term has negative connotations stemming from its origin in Great Britain in the nineteenth century, when individuals with disabilities were forced to beg for money in the streets with their "caps in hand". Since the intent of the Act is to ensure an appropriate education based on the individual needs of each child, the Committee strongly believes that this change in terminology is appropriate.

Effective date

Section 31 states the effective date of the amendments made by this Act which shall, with the exception noted below, be the date of enactment of this Act. However, the Committee recognizes that, should this Act be enacted during fiscal year 1990, certain of these amendments, if they were to take effect, might cause substantial disruption to current programs or substantial lapses in services.

Thus, the Committee intends that any amendment that the Secretary determines would cause substantial disruption to programs or substantial lapses in services if effective on enactment, shall take effect on October 1, 1990.

V. Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, November 13, 1989.

Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources,
U.S. Senate, Washington, DC.

Dear Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 1824, the Education of Individuals with Disabilities Act of 1989, as ordered reported by the Committee on Labor and Human Resources on November 1, 1989.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

Robert D. Reischauer,
Director.

Attachment.

Congressional Budget Office Cost Estimate

1. Bill number: S. 1824.
2. Bill title: Education of Individuals with Disabilities Act of 1989.
3. Bill status: As ordered reported from the Labor and Human Resources Committee, November 1, 1989.
4. Bill purpose: The primary purpose of this bill is to amend and extend for five years the authorization for appropriations for several grant programs under the Education of the Handicapped Act.
5. Estimated cost to the Federal Government:

(By fiscal years, in thousands of dollars)

Authorization levels	1990	1991	1992	1993	1994
Mandatory Site Visits	48	50	52	54	56
Program Evaluations	3,594	3,594	3,594	3,594	3,594
Regional Resource Centers	7,500	8,100	8,750	9,450	10,204
Services for Deaf-Blind Children	17,800	19,220	20,760	22,420	24,220
Early Childhood Education	27,410	29,600	31,970	34,530	37,290
Programs for Children and Youth with Severe Disabilities	6,500	7,020	7,580	8,190	8,840
Secondary Education and Transitional Services	9,000	12,000	15,000	18,000	21,000
Programs for Seriously Disturbed Children	2,000	5,000	6,000	7,000	8,000
Postsecondary Education	8,770	9,470	10,230	11,050	11,930
Personnel Training	86,900	93,850	101,360	111,500	120,420
Parent Training	9,000	10,000	11,000	12,000	13,000
Recruitment and Clearinghouses	2,000	2,160	2,230	2,520	2,720
Research	20,100	25,000	28,000	31,000	34,000
Media and Captioning Services	16,540	17,863	19,292	20,835	22,502
Special Education Technology	11,030	11,900	12,860	13,890	15,000
Total authorization level	228,192	254,827	278,678	306,033	332,776

[By fiscal years, in thousands of dollars]

Authorization levels	1990	1991	1992	1993	1994
Total estimated outlays	36,542	186,827	248,756	277,755	304,367

The costs of this bill fall in Function 500.

Basis of Estimate.—The cost estimate of S. 1824, the Education of Individuals with Disabilities Act of 1989, reflects the authorization levels stated in the bill for 1990 through 1994 except for the mandatory site visits authorization, which is estimated.

S. 1824 mandates the Secretary of Education to conduct at least one site visit for every grant, contract, or cooperative agreement of at least $300,000 that is funded through grants authorized by this bill. Few site visits are currently being done for these types of grants. The Department estimates that there will be approximately 55 awards in excess of $300,000 in 1990, and the average cost of a site visit is about $870. Thus, administrative costs are expected to increase approximately $48,000 in 1990 as a result of this mandate. The estimated authorization levels for 1991–1994 reflect the 1990 level adjusted for projected inflation.

Estimated outlays for all the programs assume that the authorizations are fully appropriated by January 1990 and reflect the current program spending patterns.

6. Estimated cost to State and local government: State and local governments along with several other public and private organizations and institutions of higher education may apply for almost all of the grant programs authorized by this bill. There are no Federal funds matching requirements.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Kalcevic (226–2820).

10. Estimate approved by: C. G. Nuckols (for James L. Blum, Assistant Director for Budget Analysis).

VI. Regulatory Impact Statement

The Committee has determined that there will be minimal increase in the regulatory burden imposed by this bill.

VII. Section-by-Section Analysis

Section 1. This section provides that the short title of the bill is the "Education of Individuals with Disabilities Act of 1989".

Section 2. This section amends Sec. 602 of the Education of the Handicapped Act (hereinafter referred to as "the Act" to (1) modify the definition of "children with disabilities", (2) add the term "social work services" to the definition of "related services", and (3) add definitions of "assistive technology devices" and "assistive technology services".

Section 3. This section adds a new Sec. 604 to the Act, to provide for a waiver of state immunity to suits in Federal court for violations of the Act.

Section 4. This section adds a new Sec. 610 to the Act to add 3 administrative provisions applicable to Parts C through G of the Act.

Section 5. This section amends Sec. 613(a)(3) of the Act to describe the components of the comprehensive system of personnel development which must be included in State plans.

Section 6. This section replaces the existing Sec. 618 of the Act to focus specifically on the collection of data, technical assistance, and the preparation of an annual report. It also authorizes appropriations for fiscal years 1990, 1991, 1992, 1993, and 1994 for carrying out Sec. 618.

Section 7. This section amends Sec. 621 of the Act, Regional Resource and Federal Centers, to (1) clarify that the regional resource centers should focus on special education, related services, and early intervention, and (2) to add additional authority to the coordinating technical assistance center.

Section 8. This section amends Sec. 622 of the Act, Services for Deaf-Blind Children and Youth to do the following. First, amendments are made to clarify that infants and toddlers are included among those to be served by deaf-blind programs. Second, the section authorizes pilot projects. Third, authorization is provided for single and multi-state centers to provide technical assistance for program development and expansion. Fourth, a national center on deaf-blindness is authorized for dissemination of materials and information. Finally, subsections (e) and (f) are repealed.

Section 9. This section amends Sec. 623 of the Act in the following ways. First, it changes the heading of the section from "Early Education for Handicapped Children" to "Early Education for Children with Disabilities". Second, it makes technical changes. Third, it authorizes projects to (1) facilitate and improve early identification of infants and toddlers with disabilities, (2) facilitate the transition of infants with disabilities from medical care to early intervention and subsequently to preschool education, (3) promote the use of assistive technology devices and services, and (4) understand and address early intervention and preschool needs of children exposed prenatally to maternal substance abuse. Finally, the Section authorizes projects to synthesize, and prepare for dissemination, knowledge developed under this section.

Section 10. This section amends Sec. 624 of the Act in the following ways. First, it changes the heading of the section from "Programs for Severely Handicapped Children" to "Programs for Children with Severe Disabilities" in order to update the terminology. Second, it makes technical amendments. Third, it authorizes demonstration projects for the development and operation of extended school year programs for children and youth with disabilities.

Section 11. This section amends Sec. 625 of the Act by raising the minimum amount for the four regional postsecondary programs for the deaf from $2,000,000 to $4,000,000. It also amends the definition of "handicapped individuals" to update the terminology, and to be consistent with the definition of "children with disabilities" in Sec. 602 of the Act.

Section 12. This section amends Sec. 626 of the Act in the following ways. First, it changes the heading from "Secondary Education and Transitional Services for Handicapped Youth" to "Secondary

Education and Transitional Services for Children and Youth with Disabilities" to update the terminology and to reflect the addition of "children" to those individuals for whom transitional services are appropriate. Second, it makes technical changes. Third, it authorizes projects to develop and disseminate programs and practices regarding assistive technology and services for students with disabilities as they make the transition from secondary school to other environments. Fourth, it authorizes 5 grants for projects developed by State education agencies and State vocational rehabilitation agencies to implement and improve transition services for youth with disabilities aged 14-21. Fifth, it authorizes projects to address the various transitions that a child with a disability may face throughout such child's years in school, provides for coordination among these projects with other similar activities funded under the Act, and provides that these projects be geographically dispersed throughout the Nation.

Section 13. This section amends Sec. 627 of the Act in the following ways. First, it redesignates Sec. 627 and 628 as Sec. 628 and 629, respectively. Second, it inserts a new Sec. 627 entitled "Programs for Children and Youth with Serious Emotional Disturbances", authorizing a grant program for research, demonstrations and training to improve special education and related services to children and youth with serious emotional disturbances, and specifies the types of projects and studies which may be funded.

Section 14. This section amends Sec. 629, as redesignated by Sec. 13, to authorize appropriations for Sec. 621, 622, 623, 624, 625, 626 and 627 for fiscal years 1990, 1991, 1992, 1993, and 1994.

Section 15. This section amends Sec. 631 of the Act, Grants for Personnel Training, in the following ways. First, it clarifies that "related services" personnel may be trained under projects authorized by this section. Second, it modifies the provision authorizing training for leadership personnel. Third, it repeals subsection (a)(1)(E). Fourth, it adds a provision that clarifies that regular education or special education personnel cannot be precluded from benefitting from or participating in training activities conducted pursuant to this subsection on a preservice or inservice basis. Fifth, it adds a priority for recruiting and training individuals from racially, ethnically and linguistically diverse backgrounds for careers in special education, related services, and early intervention. Sixth, it adds a priority for preservice preparation to serve individuals from racially, ethnically, and linguistically diverse backgrounds. Finally, it adds authority to conduct special projects to develop and demonstrate new approaches to recruitment and retention of personnel.

Section 16. This section amends Sec. 632 of the Act, Grants to State Educational Agencies and Institutions for Traineeships, in the following ways. First, it clarifies the type of personnel that may be trained under this subsection. Second, it provides that grants to States under this section are also for the purpose of assisting States develop and maintain their comprehensive systems of personnel development, and to recruit and retain personnel. Finally, it authorizes the Secretary to provide technical assistance to States to implement section 613(a)(3) of the Act.

Section 17. This section amends Sec. 633 of the Act, Clearinghouses, in the following ways. First, it amends subsection (a) which authorizes a national clearinghouse on the education of individuals with disabilities. Second, it amends subsection (b) which authorizes a national clearinghouse on postsecondary education for individuals with disabilities. Third, it adds authority to subsection (c) to assist states and institutions of higher education recruit individuals for professions in special education, related services, and early intervention, including individuals from racially, ethnically, and linguistically diverse backgrounds. Finally, it requires the Secretary to give particular attention, when awarding grants, contracts, and cooperative agreements under this section, to demonstrated experience at the national level in particular areas.

Section 18. This section amends Sec. 635 of the Act to authorize appropriations for Part D, consisting of Sec. 631, 632, and 633, for fiscal years 1990, 1991, 1992, 1993, and 1994.

Section 19. This section changes the heading of Part E "Research in the Education of Handicapped Individuals" to "Advancing Knowledge and Practice".

Section 20. This section amends Sec. 641 of the Act in the following ways. First, it changes the heading from "Research and Demonstration Projects in Education of Handicapped Children" to "Research and Related Activities". Second, it rewrites the section, authorizing the Secretary to make grants to, or enter into contracts or cooperative agreements with a variety of entities to assess and improve the practice of personnel, and the roles of other appropriate persons, including parents, in the provision of special education, related services, and early interention, through the development and exchange of knowledge. Third, it sets forth the types of research, demonstrations and related activities which may be conducted.

Section 21. This section further amends Part E in the following ways. First, it redesignates sections 642, 643, and 644 as sections 643, 644, and 646, respectively. Second, it adds a new Sec. 642 entitled "Program Management and Effectiveness", authorizing the Secretary to make grants to, or enter into contracts or cooperative agreements with a variety of entities for the purpose of conducting studies and investigations for improving program management, administration, delivery and effectiveness necessary to provide educational opportunities and early interventions for children with disabilities from birth through age 21. Fourth, it sets forth the types of studies and investigations which may be conducted. Fifth, it describes how the studies and investigations may be conducted. Sixth, it requires the Secretary to develop and implement a process for the ongoing identification of national program information needs necessary for improving the management, administration, delivery and effectiveness of programs and services under the Act. Seventh, it authorizes the Secretary to conduct special studies to assess progress in the implementation and impact of the Act. Eighth, it authorizes four specific special studies. Ninth, it authorizes the Secretary to support activities to organize, synthesize, interpret and integrate information obtained under this section with other relevant knowledge. Finally, it authorizes the Secretary to enter into

cooperative agreements with State educational agencies and other State agencies to assess the impact and effectiveness of the Act.

Section 22. This section amends Part E to add a new Sec. 645 entitled "General Research Provisions", requiring the Secretary to (1) consider the special education, related services and early intervention experience, and research experience of applicants; (2) to publish proposed priorities in the Federal Register, allow for public comment, and publish final priorities; (3) provide an index of all projects conducted under this section in the annual report under section 618; and (4) coordinate the priorities with research priorities established by the National Institute on Disability and Rehabilitation Research and other appropriate agencies, and provide information concerning priorities to the National Council on Disability and the Bureau of Indian Affairs Advisory Committee for Exceptional Children.

Section 23. This section amends Sec. 646 (as redesignated by section 21(a) to authorize appropriations for Part E.

Section 24. This section amends Sec. 651 of the Act to promote the general welfare of individuals who are "hard of hearing", as well as those who are deaf. It also adds "television programs" to "films" as important enriching cultural and educational experiences for individuals who are hard of hearing or deaf.

Section 25. This section amends Sec. 652 of the Act in the following ways. First, it changes the heading from "Captioned Films and Educational Media for Handicapped Individuals" to "Captioned Films, Descriptive Video and Educational Media for Individuals with Disabilities", to update the terminology and to reflect the addition of "descriptive video". Second, it authorizes the captioning of video materials for deaf and hard of hearing individuals or audio description of video materials for blind and visually impaired individuals. Third, it adds authority to distribute captioned video materials and audio described video materials. Finally, it makes technical and conforming amendments.

Section 26. This section amends Sec. 653 of the Act to authorize appropppriations for Part F, which includes Sec. 651 and Sec. 652 for fiscal years 1990, 1991, 1992, 1993, and 1994.

Section 27. This section amends Sec. 661 of the Act in the following ways. First, it changes the heading from "Part G—Technology, Educational Media, and Materials for Handicapped Individuals" to "Part G—Technology, Educational Media, and Materials for Individuals with Disabilities" to update the terminology. Second, it deletes the word "new" before "technology" each place it appears. Third, it allows projects or centers to be funded for the purpose of increasing access to and use of assistive technology services and assistive technology devices as such relate to the education of students with disabilities.

Section 28. This section amends Sec. 662 of the Act to authorize appropriations for Part G of the Act for fiscal years 1990, 1991, 1992, 1993, and 1994.

Section 29. This section amends Sec. 682 of the Act which specifies the composition of the State Interagency Coordinating Council under Part H of the Act.

Section 30. This section updates the terminology used to describe persons with disabilities throughout the Act, and makes technical amendments to the Act.

Section 31. This section provides for an effective date for the amendments made by the bill.

VIII. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matteris printed in italic, existing law in which no change is proposed is shown in roman):

EDUCATION OF THE HANDICAPPED

Part A—General Provisions

SHORT TITLE; STATEMENT OF FINDINGS AND PURPOSE

Sec. 601. (a) This title may be cited as the "Education of the Handicapped Act".

(b) The Congress finds that—

(1) there are more than eight million [handicapped children] *children with disabilities* in the United States today;

* * * * * * *

(3) more than half of the [handicapped children] *children with disabilities* in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity;

(4) one million of the [handicapped children] *children with disabilities* in the United States are excluded entirely from the public school system and will not go through the educational process with their peers;

(5) there are many [handicapped children] *children with disabilities* throughout the United States participating in regular school programs whose [handicaps] *disabilities* prevent them from having a successful educational experience because their [handicaps] *disabilities* are undetected;

* * * * * * *

(7) developments in the training of teachers and in diagnostic and instructional procedures and methods have advanced to the point that, given appropriate funding, State and local educational agencies can and will provide effective special education and related services to meet the needs of [handicapped children] *children with disabilities*;

(8) State and local educational agencies have a responsibility to provide education for all [handicapped children] *children with disabilities*, but present financial resources are inadequate to meet the special educational needs of [handicapped children] *children with disabilities*; and

(9) it is in the national interest that the Federal Government assist State and local efforts to provide programs to meet the

educational needs of [handicapped children] children with disabilities in order to assure equal protection of the law.

(c) It is the purpose of this Act to assure that all [handicapped children] *children with disabilities* have available to them, within the time periods specified in section 612(2)(B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of [handicapped children] *children with disabilities and their parents or guardians are protected, to assist States and localities to provide for the education of all* [handicapped children] *children with disabilities*, and to assess and assure the effectiveness of efforts to educate [handicapped children] *children with disabilities*.

DEFINITIONS

SEC. 602. (a) As used in this title—

[(1) The term "handicapped children" means mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services.]

(1) The term "children with disabilities" means children

(A) with—

(i) mental retardation,
(ii) hearing impairments, including deafness;
(iii) speech or language impairments;
(iv) visual impairments, including blindness;
(v) serious emotional disturbances;
(vi) orthopedic impairments;
(vii) autism;
(viii) head injuries;
(ix) other health impairments; or
(x) specific learning disabilities; and

(B) who, by reason thereof, need special education and related services.

* * * * * * *

(13) the term "research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of [handicapped children] *children with disabilities*, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

* * * * * * *

(15) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual [handicaps] *disabilities*, brain injury, minimal brain disfunction, dyslexia, and develop-

23-782 O - 89 - 3

mental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor [handicaps] *disabilities*, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(16) The term "special education" means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a [handicapped child] *child with a disability*, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

(17) The term "related services" means transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, *social work services*, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a [handicapped child] *child with a disability* to benefit from special education, and includes the early identification and assessment of [handicapping] *disabling* conditions in children.

* * * * * * *

(19) The term "individualized education program" means a written statement for each [handicapped child] *child with a disability* developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of [handicapped children] *children with disabilities*, the teacher, the parents or guardian of such child, and, whenever appropriate, such child, which statement shall include—

* * * * * * *

(22) The term "intermediate educational unit" means any public authority, other than a local educational agency, which is under the general supervision of a State educational agency, which is established by State law for the purpose of providing free public education on a regional basis, and which provides special education and related services to [handicapped children] *children with disabilities* within that State.

* * * * * * *

(24) The term "assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(25) The term "assistive technology service" means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the needs of an individual with a disability, including a functional evaluation of the individual in the individual's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

(b) For purposes of part C of this title, [**"handicapped youth"**] *"youth with a disability"* means any [**handicapped child**] *child with a disability* (as defined in subsection (a)(1)) who—

* * * * * * *

OFFICE OF SPECIAL EDUCATION PROGRAMS

SEC. 603. (a) There shall be, within the Office of Special Education and Rehabilitative Services in the Department of Education, an Office of Special Education Programs which shall be the principal agency in the Department for administering and carrying out this Act and other programs and activities concerning the education and training of [**the handicapped**] *individuals with disabilities.*

* * * * * * *

WAIVER OF STATE IMMUNITY

SEC. 604. (a) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of this Act.

(b) In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public entity other than a State.

(c) The provisions of paragraphs (a) and (b) shall take effect with respect to violations that occur in whole or in part after the date of enactment of the Education of Individuals with Disabilities Act of 1989.

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EMPLOYMENT OF [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

SEC. 606. The Secretary shall assure that each recipient of assistance under this Act shall make positive efforts to employ and advance in employment qualified [handicapped individuals] *individuals with disabilities* in programs assisted under this Act.

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REQUIREMENTS FOR PRESCRIBING REGULATIONS

SEC. 608. (a) * * *

(b) The Secretary may not implement, or publish in final form, any regulation prescribed pursuant to this Act which would procedurally or substantively lessen the protections provided to [handicapped children] *children with disabilities* under this Act, as embodied in regulations in effect on July 20, 1983 (particularly as such protections relate to parental consent to initial evaluation or initial placement in special education, least restrictive environment, related services, timelines, attendance of evaluation personnel at individualized education program meetings, or qualifications of personnel), except to the extent that such regulation reflects the clear and unequivocal intent of the Congress in legislation.

* * * * * * *

ADMINISTRATIVE PROVISIONS

SEC. 610. (a) In awarding grants, contracts and cooperative agreements under parts C through G of this Act, the Secretary, where appropriate, shall require applicants to demonstrate how they will address in whole or in part the needs of infants, toddlers, children and youth with disabilities the diversity of racial, ethnic, and linguistic backgrounds.

(b) DISSEMINATION.—The Secretary shall require recipients of all grants, contracts and cooperative agreements under parts C through G of this Act to prepare procedures, findings, and other relevant information in a form that will maximize the dissemination and use of such procedures, findings, and information. The Secretary may require the delivery of such procedures, findings, and information to appropriate networks that exchange knowledge and practice information, including, but not limited to, the National Diffusion Network authorized under Sec. 1562 of P.L. 100-297, regional resource centers authorized under section 621 of this Act, appropriate clearinghouses authorized under section 633 of this Act, and appropriate parent or professional organizations representing individuals with disabilities.

(c) The Secretary shall conduct at least 1 site visit for each grant, contract and cooperative agreement receiving $300,000 or more annually in financial assistance under parts C through G of this Act.

PART B—ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN

SETTLEMENTS AND ALLOCATIONS

SEC. 611. (a)(1) * * *

(A) the number of [handicapped children] *children with disabilities* aged 3-5, inclusive, in a State who are receiving special education and related services as determined under paragraph (3) if the State is eligible for a grant under section 619 and the number of [handicapped children] *children with disabilities* aged 6-21, inclusive, in a State who are receiving special education and related services as so determined;

* * * * * * *

(3) The number of [handicapped children] *children with disabilities* receiving special education and related services in any fiscal year shall be equal to the average of the number of such children receiving special education and related services on December 1 of the fiscal year preceding the fiscal year for which the determination is made.

* * * * * * *

(5)(A) In determining the allotment of each State under paragraph (1), the Secretary may not count—

(i) [handicapped children] *children with disabilities* aged three to seventeen, inclusive, in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 percent of the number of all children aged three to seventeen, inclusive, in such State and the State serves all [handicapped children] *children with disabilities* aged three to five, inclusive, in the State pursuant to State law or practice or the order of any court,

(ii) [handicapped children] *children with disabilities* aged five to seventeen, inclusive, in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 percent of the number of all children aged five to seventeen, inclusive, in such State and the State does not serve all [handicapped children] *children with disabilities* aged three to five, inclusive, in the State pursuant to State law or practice or the order of any court; and

(iii) [handicapped children] *children with disabilities* who are counted under subpart 2 of part D of chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965.

* * * * * * *

(B) Whenever the provisions of subparagraph (A) apply, the State involved shall use such funds to assure the provision of a free appropriate education to [handicapped children] *children with disabilities* residing in the area served by such local educational agency or such intermediate educational unit. The provisions of paragraph (2)(B) shall not apply to the use of such funds.

(d) From the total amount of funds available to local educational agencies and intermediate educational units in any State under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, each local educational agency or intermediate educational unit shall be

entitled to an amount which bears the same ratio to the total amount available under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, as the number of [handicapped children] *children with disabilities* aged three to twenty-one, inclusive, receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of [handicapped children] *children with disabilities* aged three to twenty-one, inclusive, receiving special education and related services in all local educational agencies and intermediate educational units which apply to the State educational agency involved for funds under this part.

• • • • • • •

(f)(1) The Secretary shall make payments to the Secretary of the Interior according to the need for assistance for the education of [handicapped children] *children with disabilities* on reservations served by elementary and secondary schools operated for Indian children by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate amounts available to all States under this section for that fiscal year.

(2) The Secretary of the Interior may receive an allotment under paragraph (1) only after submitting to the Secretary an application which—

(A) meets the applicable requirements of sections 612, 613, and 614(a),

(B) includes satisfactory assurance that all [handicapped children] *children with disabilities* aged 3 to 5, inclusive, receive a free appropriate public education by or before the 1987-1988 school year,

ELIGIBILITY

SEC. 612. In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Secretary that the following conditions are met:

(1) The State has in effect a policy that assures all [handicapped children] *children with disabilities* the right to a free appropriate public education.

• • • • • • • •

(A) there is established (i) a goal of providing full educational opportunity to all [handicapped children] *children with disabilities*, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal;

(B) a free appropriate public education will be available for all [handicapped children] *children with disabilities* between the ages of three and eighteen within the State not later than September 1, 1978, and for all [handicapped children] *children with disabilities* between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to [handicapped children] *children with disabilities* aged three to five and aged eighteen to twenty-one,

inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

(C) all children residing in the State who are [handicapped] *disabled*, regardless of the severity of their [handicap] *disability*, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

* * * * * * *

(3) The State has established priorities for providing a free appropriate public education to all [handicapped children] *children with disabilities*, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to [handicapped children] *children with disabilities* who are not receiving [and] *an* education, and second with respect to [handicapped children] *children with disabilities*, within each disability category, with the most severe [handicaps] *disabilities* who are receiving an inadequate education, and has made adequate progress in meeting the timetables set forth in clause (B) of paragraph (2) of this section.

(4) Each local educational agency in the State will maintain records of the individualized education program for each [handicapped child,] *child with a disability*, and such program shall be established, reviewed, and revised as provided in section 614(a)(5).

(5) The State has established (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate, [handicapped children] *children with disabilities*, including children in public or private institutions or other care facilities, are educated with children who are not [handicapped] *disabled*, and that special classes, separate schooling, or other removal of [handicapped children] *children with disabilities* from the regular educational environment occurs only when the nature or severity of the [handicap] *disability* is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of [handicapped children] *children with disabilities* will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

(6) The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for [handicapped children] *children with disabilities* within the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for [handicapped children] *children with disabilities* in the State educational agency and shall meet educational standards of the State educational agency. This paragraph shall not be construed to limit the responsibility of agencies other than educational agencies in a State from providing or paying for some or all of the costs of a free appropriate public education to be provided [handicapped children] *children with disabilities* in the State.

(7) The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of [handicapped children] *children with disabilities*, including [handicapped individuals] individuals with disabilities and parents or guardians of [handicapped children] *children with disabilities*, and (B) there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and section 613.

STATE PLANS

SEC. 613. (a) * * *

* * * * * * *

(2) provide that program and procedures will be established to assure that funds received by the State or any of tis political subdivisions under any other Federal program, including subpart 2 of part D of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 and section 202(1) of the Carl D. Perkins Vocational Education Act, under which there is specific authority for the provision of assistance for the education of [handicapped children] *children with disabilities*, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all [handicapped children] *children with disabilities*, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs;

[(3) set forth, consistent with the purposes of this Act, a description of programs and procedures for

[(A) the development and implementation of a comprehensive system of personnel development, which shall include—

[(i) inservice training of general and special instructional and support personnel,

[(ii) detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and

[(iii) effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and

[(B) adopting, where appropriate, promising educational practices and materials developed through such projects;]

(3) describe, consistent with the purposes of this Act, a comprehensive system of personnel development that shall include—

(A) a description of the procedures and activities the State will undertake to ensure an adequate supply of qualified special education and related services personnel, including—

(i) the development and maintenance of a system for determining, on an annual basis

(I) the number and type of personnel, including leadership personnel, that are employed in the provision of special education and related services, by area of specialization, including the number of such personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate State certification or licensure; and

(II) the number of and type of personnel, including leadership personnel, needed, and a projection of the numbers of such personnel that will be needed in five years, based on projections of individuals to be served, retirement and other leaving of personnel from the field, and other relevant factors;

(ii) the development and maintenance of a system for determining, on an annual basis, the institutions of higher education within the State that are preparing special education and related services personnel, including leadership personnel, by area of specialization, including—

(I) the numbers of students enrolled in such programs, and

(II) the number who graduated with certification or licensure, or with credentials to qualify for certification or licensure, during the past year; and

(iii) the development, updating, and implementation of a plan that—

(I) will address current and projected special education and related services personnel needs, including the need for leadership personnel; and

(II) coordinates and facilitates efforts among State and local educational agencies, institutions of higher education, and professional associations to recruit, prepare, and retain qualified personnel, including personnel from racial, ethnic, and linguistic minority groups, and personnel with disabilities; and

(B) a description of the procedures and activities the State will undertake to ensure that all personnel necessary to carry out this part are appropriately and adequately prepared, including—

(i) a system for the continuing education of regular and special education and related services personnel;

(ii) procedures for acquiring and disseminating to teachers, administrators, and related services personnel significant knowledge derived from education research and other sources; and

(iii) procedures for adopting, where appropriate, promising practices, materials and technology.

(4) set forth policies and procedures to assure—

(A) that, to the extent consistent with the number and location of [handicapped children] *children with disabilities* in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services; and

(B) that

(i) [handicapped children] *children with disabilities* in private schools and facilities will be provided special education and related services (in conformance with an individualized education program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part of any other applicable law requiring the provision of special education and related services to all [handicapped children] *children with disabilities* within such State, and

* * * * * * *

(B) will be so used as to supplement and increase the level of Federal, State, and local funds (including funds that are not under the direct control of State or local educational agencies) expended for special education and related services provided to [handicapped children] *children with disabilities* under this part and in no case to supplant such Federal, State and local funds, except that, where the State provides clear and convincing evidence that all [handicapped children] *children with disabilities* have available to them a free appropriate public education, the Secretary may waive in part the requirement of this subparagraph if the Secretary concurs with the evidence provided by the State;

* * * * * * *

(11) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of [handicapped children] *children with disabilities* (including evaluation of individualized education programs), in ac-

cordance with such criteria that the Secretary shall prescribe pursuant to section 617;

(12) provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of [handicapped children] *children with disabilities*, including [handicapped individuals] *individuals with disabilities*, teachers, parents or guardians of [handicapped children] *children with disabilities*, State and local education officials, and administrators of programs for [handicapped children] *children with disabilities*, which—

(A) advises the State educational agency of unmet needs within the State in the education of [handicapped children] *children with disabilities*,

(B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of [handicapped children] *children with disabilities* and the procedures for distribution of funds under this part, and

* * * * * * *

(A) define the financial responsibility of each agency for providing [handicapped children and youth] *children and youth with disabilities* with free appropriate public education, and

* * * * * * *

(b) Whenever a State educational agency provides free appropriate public education for [handicapped children] *children with disabilities*, or provides direct services to such children, such State educational agency shall include, as part of the State plan required by subsection (a) of this section, such additional assurances not specified in such subsection (a) as are contained in section 614(a), except that funds available for the provision of such education or services may be expended without regard to the provisions relating to excess costs in section 614(a).

* * * * * * *

(d)(1) If, on the date of enactment of the Education of the Handicapped Act Amendments of 1983, a State educational agency is prohibited by law from providing for the participation in special programs of [handicapped children] *children with disabilities* enrolled in private elementary and secondary schools as required by subsection (a)(4), the Secretary shall waive such requirement, and shall arrange for the provision of service to such children through arrangements which shall be subject to the requirements of subsection (a)(4).

(2)(A) When the Secretary arranges for services pursuant to this subsection, the Secretary, after consultation with the appropriate public and private school officials, shall pay to the provider of such services an amount per child which may not exceed the Federal amount provided per child under this part to all [handicapped children] *children with disabilities* enrolled in the State for serv-

ices for the fiscal year preceding the fiscal year for which the determination is made.

* * * * * * *

(e) This Act shall not be construed to permit as State to reduce medical or other assistance available or to alter eligibility under titles V and XIX of the Social Security Act with respect to the provision of a free appropriate public education for [handicapped children] *children with disabilities* within the State.

APPLICATION

SEC. 614. (a) * * *

* * * * * * *

(A) provide that all children residing within the jurisdiction of the local educational agency or the intermediate educational unit who are [handicapped] *disabled*, regardless of the severity of their [handicap] *disability*, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services;

* * * * * * *

(C) establish a goal of providing full educational opportunities to all [handicapped children] *children with disabilities*, including—

* * * * * * *

(ii) the provision of, and the establishment of priorities for providing, a free appropriate public education to all [handicapped children] *children with disabilities*, first with respect to [handicapped children] *children with disabilities* who are not receiving an education, and second with respect to [handicapped children] *children with disabilities*, within each disability, with the most severe [handicaps] *disabilities* who are receiving an inadequate education;

* * * * * * *

(i) shall be used to pay only the excess costs directly attributable to the education of [handicapped children] *children with disabilities*; and

(ii) shall be used to supplement, and to the extent practicable, increase the level of State and local funds expended for the education of [handicapped children] *children with disabilities*, and in no case to supplant such State and local funds; and

* * * * * * *

(3) provide for—

(A) furnishing such information (which, in the case of reports relating to performance, is in accordance with specific performance criteria related to program objectives) as

may be necessary to enable the State educational agency to perform its duties under this part, including information relating to the educational achievement of [handicapped children] *children with disabilities* participating in programs carried out under this part; and

• • • • • • •

(5) provide assurances that the local educational agency or intermediate educational unit will establish or revise, whichever is appropriate, an individualized education program for each [handicapped child] child with a disability at the beginning of each school year and will then review and, if appropriate, revise its provisions periodically, but not less than annually;

• • • • • • •

(c)(1) A State educational agency may, for purposes of the consideration and approval of applications under this section, require local educational agencies to submit a consolidated application for payments if such State educational agency determines that any individual application submitted by any such local educational agency is ineligible to receive payments because of the application of section 611(c)(4)(A)(i) or such local educational agency would be unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of [handicapped children] *children with disabilities.*

• • • • • • •

(3) has one or more [handicapped children] *children with disabilities* who can best be served by a regional or State center designed to meet the needs of such children; the State educational agency shall use the payments which would have been available to such local educational agency to provide special education and related services directly to [handicapped children] *children with disabilities* residing in the area served by such local educational agency. The State educational agency may provide such education and services in such manner, and at such locations (including regional or State centers), as it considers appropriate, except that the manner in which such education and services are provided shall be consistent with the requirements of this part.

(e) Whenever a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all [handicapped children] *children with disabilities* residing in the area served by such agency with State and local funds otherwise available to such agency, the State educational agency may reallocate funds (or such portion of those funds as may not be required to provide such education and services) made available to such agency, pursuant to section 611(d), to such other local educational agencies within the State as are not adequately providing special education and related services to all [handicapped children] *children with disabilities* residing in the areas served by such other local educational agencies.

(f) Notwithstanding the provisions of subsection (a)(2)(B)(ii), any local educational agency which is required to carry out any program for the education of [handicapped children] *children with*

disabilities pursuant to a State law shall be entitled to receive payments under section 611(d) for use in carrying out such program, except that such payments may not be used to reduce the level of expenditures for such program made by such local educational agency from State or local funds below the level of such expenditures for the fiscal year prior to the fiscal year for which such local educational agency seeks such payments.

PROCEDURAL SAFEGUARDS

SEC. 615. (a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this part shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that [handicapped children] *children with disabilities* and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units. (b)(1) The procedures required by this section shall include, but shall not be limited to—

(A) an opportunity for the parents or guardian of a [handicapped child] *child with a disability* to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

* * * * * * *

(d) Any party to any hearing conducted pursuant to subsections (b) and (c) shall be accorded—

(1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of [handicapped children] *children with disabilities*,

* * * * * * *

(B) In any action or proceeding brought under this subsection, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents or guardian of a [handicapped child or youth] *child or youth with a disability* who is the prevailing party.

* * * * * * *

(f) Nothing in this title shall be construed to restrict or limit the rights, procedures, and remedies available under the Constitution, title V of the Rehabilitation Act of 1973, or other Federal statutes protecting the rights of [handicapped children and youth] *children and youth with disabilities*, except that before the filing of a civil action under such laws seeking relief that is also available under this part, the procedures under subsections (b)(2) and (c) shall be exhausted to the same extent as would be required had the action been brought under this part.

WITHHOLDING AND JUDICIAL REVIEW

SEC. 616. (a) * * *

* * * * * * *

(B) may, after notifying the State educational agency, withhold further payments to the State under the Federal programs specified in section 613(a)(2) within the Secretary's jurisdiction, to the extent that funds under such programs are available for the provision of assistance for the education of [handicapped children] *children with disabilities*. If the Secretary withholds further payments under clause (A) or clause (B) the Secretary may determine that such withholding will be limited to programs or projects under the State plan, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or intermediate educational units affected by the failure. Until the Secretary is satisfied that there is no longer any failure to comply with the provisions of this part, as specified in clause (1) or clause (2), no further payments shall be made to the State under this part or under the Federal programs specified in section 613(a)(2) within the Secretary's jurisdiction to the extent that funds under such programs are available for the provision of assistance for the education of [handicapped children] *children with disabilities*, or payments by the State educational agency under this part shall be limited to local educational agencies and intermediate educational units whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, local educational agency, or intermediate educational unit in receipt of a notice pursuant to the first sentence of this subsection shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency or unit.

* * * * * * *

ADMINISTRATION

SEC. 617. (a)(1) In carrying out the Secretary's duties under this part, the Secretary shall—

(A) cooperate with, and furnish all technical assistance necessary, directly or by grant or contract, to the States in matters relating to the education of [handicapped children] *children with disabilities* and the execution of the provisions of this part;

* * * * * * *

(D) assure that each State shall, within one year after the date of the enactment of the Education for All Handicapped Children Act of 1975, and every year thereafter, provide certification of the actual number of [handicapped children] *children with disabilities* receiving special education in each State.

* * * * * * *

[EVALUATION

[SEC. 618. (a) The Secretary shall, directly or by grant, contract, or cooperative agreement, collect data and conduct studies, investigations, and evaluations—

[(1) to assess progress in the implementation of this Act;

[(2) to assess the impact and effectiveness of State and local efforts, and efforts by the Secretary of the Interior, to provide—

[(A) free appropriate public education to handicapped children and youth;

[(B) early intervention services to handicapped infants and toddlers; and

[(3) to provide—

[(A) Congress with information relevant to policymaking, and

[(B) State, local, and Federal agencies, including the Department of the Interior, with information relevant to program management, administration, and effectiveness with respect to such education and early intervention services.

[(b) In carrying out subsection (a), the Secretary, on at least an annual basis, shall obtain data concerning programs and projects assisted under this Act and under other Federal laws relating to handicapped infants, toddlers, children and youth, and such additional information, from State and local educational agencies, the Secretary of Interior, and other appropriate sources, as is necessary for the implementation of this Act including—

[(1) the number of handicapped infants, toddlers, children, and youth in each State receiving a free appropriate public education or early intervention services—

[(A) in age groups 0-2 and 3-5, and

[(B) in age groups 6-11, 12-17, and 18-21, by disability category,

[(2) the number of handicapped children and youth in each State who are participating in regular educational programs (consistent with the requirements of section 612(5)(B) and 614(a)(1)(C)(iv)) by disability category, and the number of handicapped children and youth in separate classes, separate schools or facilities, or public or private residential facilities, or who have been otherwise removed from the regular education environment,

[(3) the number of handicapped children and youth exiting the educational system each year through program completion or otherwise—

[(A) in age group 3-5, and

[(B) in age groups 6-11, 12-17, and 18-21, by disability category and anticipated services for the next year,

[(4) the amount of Federal, State, and local funds expended in each State specifically for special education and related services and for early intervention services (which may be based upon a sampling of data from State agencies including State and local educational agencies),

[(5) the number and type of personnel that are employed in the provision of special education and related services to

handicapped children and youth and early intervention services to handicapped infants and toddlers by disability category served, and the estimated number and type of additional personnel by disability category needed to adequately carry out the policy established by this Act, and

[(6) a description of the special education and related services and early intervention services needed to fully implement this Act throughout each State, including estimates of the number of handicapped infants and toddlers in the 0-2 age group and estimates of the number of handicapped children and youth—

[(A) in age group 3-5 and

[(B) in age groups 6-11, 122-17, and 18-21, and by disability category.

[(c) The Secretary shall,by grant, contract, or cooperative agreement, provide for evaluation studies to determine the impact of this Act. Each such evaluation shall include recommendations for improvement of the programs under this Act. The Secretary shall, not later than July 1 of each year, submit to the appropriate committees of each House of the Congress and publish in the Federal Register proposed evaluation priorities for review and comment.

[(d)(1) The Secretary may enter into cooperative agreements with State educational agencies and other State agencies to carry out studies to assess the impact and effectiveness of programs assisted under this Act.

[(2) An agreement under paragraph (1) shall—

[(A) provide for the payment of not to exceed 60 percent of the total cost of studies conducted by a participating State agency to assess the impact and effectiveness of programs assisted under this Act, and

[(B) be developed in consultation with the State Advisory Panel established under this Act, the local educational agencies, and others involved in or concerned with the education of handicapped children and youth and the provision of early intervention services to handicapped infants and toddlers.

[(3) The Secretary shall provide technical assistance to participating State agencies in the implementation of the study design, analysis, and reporting procedures.

[(4) In addition, the Secretary shall disseminate information from such studies to State agencies, regional resource centers, and clearinghouses established by this Act, and, as appropriate, to others involved in, or concerned with, the education of handicapped children and youth and the provision of early intervention services to handicapped infants and toddlers.

[(e)(1) At least one study shall be a longitudinal study of a sample of handicapped students, encompassing the full range of handicapping conditions, examining their educational progress while in special education and their occupational, educational, and independent living status after graduating from secondary school or otherwise leaving special education.

[(2) At least one study shall focus on obtaining and compiling current information available, through State educational agencies and other service providers, regarding State and local expenditures

for educational services for handicapped students (including special education and related services) and shall gather information needed in order to calculate a range of per pupil expenditures by handicapping condition.

[(f)(1) Not later than 120 days after the close of each fiscal year, the Secretary shall publish and disseminate an annual report on the progress being made toward the provision of a free appropriate public education to all handicapped children and youth and early intervention services for handicapped infants and toddlers. The annual report shall be transmitted to the appropriate committees of each House of Congress and published and disseminated in sufficient quantities to the education community at large and to other interested parties.

[(2) The Secretary shall include in each annual report under paragraph (1)—

[(A) a compilation and analysis of data gathered under subsection (b),

(B) an index and summary of each evaluation activity and results of studies conducted under subsection (c),

[(C) a description of findings and determinations resulting from monitoring reviews of State implementation of part B of this Act,

[(D) an analysis and evaluation of the participation of handicapped children and youth in vocational education programs and services,

[(E) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to ensure that handicapped children and youth receive special education and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for handicapped children and youth in day or residential facilities, and

[(F) any recommendation for change in the provisions of this Act or any other Federal law providing support for the education of handicapped children and youth.

[(3) In the annual report under paragraph (1) for fiscal year 1985 which is published in 1986 and for every third year thereafter, the Secretary shall include in the annual report—

[(A) an index of all current projects funded under parts C through G of this title, and

[(B) data reported under sections 621, 622, 623, 627, 634, 641, and 661.

[(4) In the annual report under paragraph (1) for fiscal year 1988 which is published in 1989, the Secretary shall include special sections addressing the provision of a free appropriate public education to

[(A) handicapped infants, toddlers, children, and youth in rural areas,

[(B) handicapped migrants,

[(C) handicapped Indians (particularly programs operated under section 611(f)),

[(D) handicapped Native Hawaiian, (and other native Pacific Basin) children and youth, and

[(E) handicapped infants, toddlers, children, and youth with limited English proficiency.

[(5) Beginning in 1986, in consultation with the national Council on Disability and the Bureau of Indian Affairs Advisory Committee for Exceptional Children, the Secretary shall include a description of the status of early intervention services for handicapped infants and toddlers from birth through age two, inclusive, and special education and related services to handicapped children from 3 through 5 years of age (including those receiving services through Head Start, Developmental Disabilities Programs, Crippled Children's Services, Mental Health/Mental Retardation Agency, and State child-development centers and private agencies under contract with local schools).

[(g) There are authorized to be appropriated $3,800,000 for fiscal year 1987, $4,000,000 for fiscal year 1988, and $4,200,000 for fiscal year 1989 to carry out this section.]

EVALUATION

SEC. 618. (a) The Secretary shall, directly or by grant, contract, or cooperative agreement, collect data—

(1) to assess progress in the implementation of this Act;

(2) to assess the impact and effectiveness of State and local efforts, and efforts by the Secretary of the Interior, to provide—

(A) free appropriate public education to children and youth with disabilities; and

(B) early intervention services to infants and toddlers with disabilities; and

(3) to provide—

(A) Congress with information relevant to policymaking and

(B) State, local, and Federal agencies, including the Department of the Interior, with information relevant to program management, administration, and effectiveness with respect to such education and early intervention services.

(b)(1) In carrying out subsection (a), the Secretary, on at least an annual basis (except as provided in subparagraph (E)), shall obtain data concerning programs and projects assisted under this Act and under other Federal laws relating to infants, toddlers, children, and youth with disabilities, and such additional information, from State and local educational agencies, the Secretary of the interior, and other appropriate sources, including designated lead agencies under part H of this Act, including—

(A) the number of infants, toddlers, children, and youth with disabilities in each State receiving a free appropriate public education or early intervention services—

(i) in age groups 0-2 and 3-5, and

(ii) in age groups 6-11, 12-17, and 18-21, by disability category;

(B) the number of children and youth with disabilities in each State, by disability category, who

(i) are participating in regular educational programs (consistent with the requirements of section 612(5)(B) and 614(a)(1)(C)(iv));

(ii) are in separate classes, separate schools or facilities, or public or private residential facilities; or

(iii) have been otherwise removed from the regular education environment;

(C) the number of children and youth with disabilities exiting the educational system each year through program completion or otherwise, by disability category, for each year of age from age 14 through 21;

(D) the number and type of personnel that are employed in the provision of—

(i) special education and related services to children and youth with disabilities, by disability category served, and

(ii) early intervention services to infants and toddlers with disabilities; and

(E) at least every three years, using the data collection method the Secretary finds most appropriate, a description of the services expected to be needed, by disability category, for youth with disabilities in age groups 12–17 and 18–21 who have left the educational system.

(2) Starting with fiscal year 1992, the Secretary shall obtain and report data from the States under section 613(a)(3)(A), including data addressing current and projected special education and related services needs, and data on the number of personnel who are employed on an emergency, provisional, or other basis, who do not hold appropriate State certification or licensure, and other data for the purpose of meeting the requirements of this subsection pertaining to special education and related services personnel.

(3) The Secretary shall provide, directly or by grant, contract, or cooperative agreement, technical assistance to State agencies providing the data described in paragraphs (1) and (2) to achieve accurate and comparable information.

(c)(1)(A) The Secretary is authorized to conduct activities, directly or by grant, contract, or cooperative agreement to prepare an annual report on the progress being made toward the provision of—

(i) a free appropriate public education to all children and youth with disabilities; and

(ii) early intervention services for infants and toddlers with disabilities.

(B) Not later than 120 days after the close of each fiscal year, the Secretary shall transmit this report to the appropriate committees of each House of Congress. The annual report shall be published and disseminated in sufficient quantities to the education community at large and to other interested parties.

(2) The Secretary shall include in each annual report under paragraph (1)—

(A) a compilation and analysis of data gathered under subsection (b); and

(B) a description of findings and determinations resulting from monitoring reviews of State implementation of this part.

(3) In the annual report under paragraph (1) for fiscal year 1991 (which is published in 1992) and for every third year thereafter, the Secretary shall include in the annual report—

(A) an index of all current projects funded under parts C through G of this Act; and

(B) data reported under sections 622 and 634.

(4) The Secretary shall include in each annual report under paragraph (1) the results of research and related activities conducted under part E of this Act that the Secretary determines are relevant to the effective implementation of this Act.

(5) In consultation with the National Council on Disability and the Bureau of Indian Affairs Advisory Committee for Exceptional Children, the Secretary shall include a description of the status of early intervention services for infants and toddlers with disabilities from birth through age 2, and special education and related services to children with disabilities from 3 through 5 years of age (including those receiving services through Head Start, developmental disabilities programs, crippled children's services, mental health/mental retardation agencies, and State child-development centers and private agencies under contract with local schools).

(d) There are authorized to be appropriated $3,594,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994 to carry out this section.

PRE-SCHOOL GRANTS

SEC. 619. (a)(1) * * *

* * * * * * *

(C) provides special education and related services to [handicapped children] *children with disabilities* aged three to five, inclusive.

(2)(A) For fiscal year 1987 the amount of a grant to a State under paragraph (1) may not exceed—

(i) $300 per [handicapped child] *child with a disability* aged three to five, inclusive, who received special education and related services in such State as determined under section 611(a)(3), or

(ii) if the amount appropriated under subsection (e) exceeds the product of $300 and the total number of [handicapped children] *children with disabilities* aged three to five, inclusive, who received special education and related services as determined under section 611(a)(3)—

(I) $300 per [handicapped child] *child with a disability* aged three to five, inclusive, who received special education and related services in such State as determined under section 611(a)(3), plus

(II) an amount equal to the portion of the appropriation available after allocating funds to all States under subclause (I) (the excess appropriation) divided by the estimated increase, from the preceding fiscal year, in the number of [handicapped children] *children with disabilities* aged three to five, inclusive, who will be receiving special education and related services in all states multiplied by the estimated increase in the number of such children in such State.

* * * * * * *

(D) If the Secretary makes a grant under paragraph (1) for fiscal year 1990, the amount of a grant to a State under such paragraph

may not exceed $1,000 per [handicapped child] *child with a disability* aged three to five, inclusive, who received special education and related services in such State as determined under section 611(a)(3).

* * * * * * *

(F)(i) The amount of a grant under subparagraph (A), (B), or (C) to any State for a fiscal year may not exceed $3,800 per estimated [handicapped child] *child with a disability* aged three to five, inclusive, who is receiving special education and related services in such State.

* * * * * * *

(B) has a State plan approved under section 613 which includes policies and procedures that assure the availability under the State law and practice of such State a free appropriate public education for all [handicapped children] *children with disabilities* aged three to five, inclusive.

* * * * * * *

(3) The amount of any grant to any State under paragraph (1) for any fiscal year may not exceed $1,000 for each [handicapped child] *child with a disability* in such State aged three to five, inclusive.

* * * * * * *

(c)(1) For fiscal year 1987, a State which receives a grant under subsection (a)(1) shall—

(A) distribute at least 70 percent of such grant to local educational agencies and intermediate educational units in such State in accordance with paragraph (3), except that in applying such section only [handicapped children] *children with disabilities* aged three to five, inclusive, shall be considered,

(B) use not more than 25 percent of such grant for the planning and development of a comprehensive delivery system for which a grant could have been made under section 623(b) in effect through fiscal year 1987 and for direct and support services for [handicapped children] *children with disabilities*, and

* * * * * * *

(A) distribute at least 75 percent of such grant to local educational agencies and intermediate educational units in such State in accordance with paragraph (3), except that in applying such section only [handicapped children] *children with disabilities* aged three to five, inclusive, shall be considered,

(B) use not more than 20 percent of such grant for the planning and development of a comprehensive delivery system for which a grant could have been made under section 623(b) in effect through fiscal year 1987 and for direct and support services for [handicapped children] *children with disabilities*, and

* * * * * * *

(A) an amount which bears the same ration to the amount available under subsection (a)(2)(A)(i) or subsection (a)(2)(A)(ii)(I), as the case may be, as the number of [handicapped children] *children with disabilities*, aged three to five,

inclusive, who received special education and related services as determined under section 611(a)(3) in such local educational agency or intermediate educational unit bears to the aggregate number of [handicapped children] *children with disabilities* aged three to five, inclusive, who received special education and related services in all local educational agencies and intermediate educational units in the State entitled to funds under this section, and

(B) to the extent funds are available under subsection (a)(2)(A)(ii)(II), an amount which bears the same ratio to the amount of such funds as the estimated number of additional [handicapped children] *children with disabilities* aged three to five, inclusive, who will be receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of such children in all local educational agencies and intermediate educational units in the State entitled to funds under this section.

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PAYMENTS

SEC. 620. (a) * * *

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PART C—CENTERS AND SERVICES TO MEET SPECIAL NEEDS OF [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

REGIONAL RESOURCE AND FEDERAL CENTERS

SEC. 621. (a) The Secretary may make grants to, or enter into contracts or cooperative agreements with, institutions of higher education, public agencies, private nonprofit organizations, State educational agencies, or combinations of such agencies or institutions (which combinations may include one or more local educational agencies) within particular regions of the United States, to pay all or part of the cost of the establishment and operation of regional resource centers *that focus on special education, related services, and early intervention.* Each regional resource center shall provide consultation, technical assistance, and training to State educational agencies and through such State educational agencies to local educational agencies and to other appropriate public agencies providing early intervention services. The services provided by a regional resource center shall be consistent with the priority needs identified by the States served by the center and the findings of the Secretary in monitoring reports prepared by the Secretary under section 617 of the Act. Each regional resource center established or operated under this section shall—

(1) assist in identifying and solving persistent problems in providing quality special education and related services for [handicapped children and youth] *children and youth with disabilities* and early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families,

(2) assist in developing, identifying, and replicating successful programs and practices which will improve special education and related services to [handicapped children and youth] *children and youth with disabilities* and their families and early intervention services to [handicapped infants and toddlers] infants and toddlers with disabilities and their families,

* * * * * * *

(4) assist in the improvement of information dissemination to and training activities for professionals and parents of [handicapped infants, toddlers, children, and youth] *infants, toddlers, children, and youth with disabilities*, and

* * * * * * *

(d) The Secretary may establish one coordinating technical assistance center focusing on national priorities established by the Secretary to assist the regional resource centers in the delivery of technical assistance, consistent with such national priorities. *Such coordinating technical assistance center is authorized to—*

(1) provide information to, and training for agencies, institutions, and organizations, regarding techniques and approaches for submitting applications for grants, contracts, and cooperative agreements under this part and parts D through G, and shall make such information available to the regional resource centers upon request;

(2) give priority to providing technical assistance concerning the education of children with disabilities from the diversity of racial, ethnic, and linguistic backgrounds;

(3) exchange information with, and, where appropriate, cooperate with, other centers addressing the needs of children with disabilities from the diversity of racial, ethnic, and linguistic backgrounds; and

(4) provide assistance to state educational agencies, through the regional resource centers, for the training of hearing officers.

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SERVICES FOR DEAF-BLIND CHILDREN AND YOUTH

SEC. 622. (a)(1) The Secretary is authorized to make grants to, or enter into cooperative agreements or contracts with, public or nonprofit private agencies, institutions, or organizations to assist State educational agencies, *local educational agencies and designated lead agencies under Part H of this Act* to—

(A) assure deaf-blind *infants, toddlers,* children and youth provision of [special education and related services] *special education, early intervention, and related services*, as well as vocational and transitional services; and

(B) make available to deaf-blind [youth, upon attaining the age of twenty-two,] *individuals* programs and services to facilitate their transition from educational to [other services] *adult services*. [(2) A grant, cooperative agreement, or contract pursuant to paragraph (1)(A) may be made only for programs providing (A) technical assistance to agencies, institutions, or organizations providing educational services to deaf-blind chil-

dren or youth; (B) preservice or inservice training to paraprofessionals, professionals, and related services personnel preparing to serve, or serving, deaf-blind children or youth; (C) replication of successful innovative approaches to providing educational or related services to deaf-blind children and youth; and (D) facilitation of parental involvement in the education of their deaf-blind children and youth. Such programs may include—

[(i) the diagnosis and educational evaluation of children and youth at risk of being certified deaf-blind;

[(ii) programs of adjustment, education, and orientation for deaf-blind children and youth; and

[(iii) consultative, counseling, and training services for the families of deaf-blind children and youth.]

(2)(A) A grant, cooperative agreement, or contract may be made under paragraph (1)(A) only for programs providing for—

(i) technical assistance to agencies, institutions, or organizations providing educational or early intervention services to deaf-blind infants, toddlers, children, or youth;

(ii) preservice or inservice training to paraprofessionals, professionals, or related services personnel preparing to serve, or serving, deaf-blind infants, toddlers, children, or youth;

(iii) replication of successful innovative approaches to providing educational, early intervention, or related services to deaf-blind infants, toddlers, children, and youth; and

(iv) pilot projects that are designed to—

(I) expand local educational agency capabilities by providing services to deaf-blind children and youth that supplement services already provided to such children through State and local resources; and

(II) encourage eventual assumption of funding responsibility by State and local authorities;

(v) research to identify and meet the full range of special needs of such deaf-blind infants, toddlers, children, and youth;

(vi) the development, improvement, or demonstration of new or existing methods, approaches, or techniques that contribute to the adjustment and education of deaf-blind children and youth; or

(vii) facilitation of parental involvement in the education of their deaf-blind infants, toddlers, children, and youth.

(B) The programs described in subparagraph (A) may include—

(i) the diagnosis and educational evaluation of infants, toddlers, children, and youth who are likely to be diagnosed deaf-blind;

(ii) programs of adjustment, education, and orientation for deaf-blind infants, toddlers, children and youth; and

(iii) consultative, counseling, and training services for the families of deaf-blind infants, toddlers, children, and youth.

(3) A grant, cooperative agreement, or contract pursuant to paragraph (1)(B) may be made only for programs providing (A) technical assistance to agencies, institutions, and organizations serving, or proposing to serve, deaf-blind individuals [who have attained age twenty-two years]; (B) training or inservice training to paraprofessionals or professionals serving, or preparing to serve, such individ-

uals; and (C) assistance in the development or replication of successful innovative approaches to providing [rehabilitative, semisupervised,] *rehabilitative, supervised*, semisupervised, or independent living programs.

[(4) In carrying out this subsection, the Secretary shall take into consideration the need for a center for deaf-blind children and youth in light of the general availability and quality of existing services for such children and youth in the part of the country involved.]

(4) In carrying out this subsection, the Secretary shall take into consideration the availability and quality of existing services for deaf-blind infants, toddlers, children and youth in the country, and, to the extent practicable, the fact that all parts of the country have an opportunity to receive assistance under this subsection.

[(b) The Secretary is also authorized to enter into a limited number of cooperative agreements or contracts to establish and support regional programs for the provision of technical assistance in the education of deaf-blind children and youth.]

(b) In order to accomplish the objectives of subsection (a), the Secretary is also authorized to make grants, or enter into contracts or cooperative agreements, to establish and support single- and multi-State centers to provide technical assistance for program development and expansion for the education of deaf-blind infants, toddlers, children, and youth, and their families, and pilot projects as described under subsection (a)(2)(A)(iv).

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[(d) The Secretary shall disseminate materials and information concerning effective practices in working with deaf-blind children and youth.]

(d) The Secretary shall enter into a cooperative agreement with an institution of higher education, public agency, or private nonprofit organization or institution for a national center on deaf-blindness. Such center shall disseminate materials and information concerning effective practices in working with deaf-blind infants, toddlers, children, and youth.

[(e) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, public or nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for severely handicapped children and youth, including deaf-blind children and youth.

(f) The Secretary may make grants to, or enter into contracts or cooperative agreements with, the entities under section 624(a) for the purposes in such section.]

EARLY EDUCATION FOR [HANDICAPPED CHILDREN] *CHILDREN WITH DISABILITIES*

SEC. 623. (a)(1) The Secretary may arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations, for the development and operation of experimental, demonstration, and outreach preschool and early intervention programs for [handicapped children] *children with disabilities* which the Secretary determines show promise of pro-

moting a comprehensive and strengthened approach to the special problems of such children. Such programs shall include activities and services designed to—

(A) facilitate the intellectual, emotional, physical, mental, social, speech or *other communication mode* and language development, and self-help skills of such children,

* * * * * * *

(D) offer training about exemplary models and practices to State and local personnel who provide services to [handicapped children] *children with disabilities* from birth through age 8, [and]

(E) support the adoption of exemplary models and practices in States and local communities [.],

(F) facilitate and improve the early identification of infants and toddlers with disabilities or those infants and toddlers at-risk of having developmental disabilities,

(G) facilitate the transition of infants with disabilities or infants at risk of having developmental delays, from medical care to early intervention services, and the transition from early intervention services to preschool special education or regular education services (especially where the lead agency for early intervention programs under part H of this Act is not the State educational agency,

(H) to promote the use of assistive technology devices and assistive technology services, where appropriate, to enhance the development of infants and toddlers with disabilities, and

(I) increase the understanding of, and address, the early intervention and preschool needs of children exposed prenatally to maternal substance abuse.

* * * * * * *

(b) The Secretary shall arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations for the establishment of a technical assistance development system to assist entities operating experimental, demonstration, and outreach programs and to assist State agencies to expand and improve services to [handicapped children] *children with disabilities* under this Act.

(c) The Secretary shall arrange by contract, grant, or cooperative agreement with appropriate public agencies and private nonprofit organizations for the establishment of early childhood research institutes to carry on sustained research to generate and disseminate new information and *synthesize and disseminate existing information* on preschool and early intervention for [handicapped children] *children with disabilities* and their families.

(d) The Secretary may make grants to, or enter into contracts or cooperative agreements under this section with, such organizations or institutions, as are determined by the Secretary to be appropriate, for research to identify and meet the full range of special needs of [handicapped children] *children with disabilities* and for training of personnel for programs specifically designed for [handicapped children] *children with disabilities*.

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(f) For purposes of this section the term [“handicapped children”] *“children with disabilities”* includes children from birth through eight years of age.

(g) The Secretary may make grants to, or enter into contracts or cooperative agreements with, institutions of higher education and nonprofit private organizations to synthesize the knowledge developed under this Section and organize, integrate, and present such knowledge so it can be incorporated and imparted to parents, professionals, and others providing or preparing to provide preschool or early intervention services and to persons designing preschool or early intervention programs.

PROGRAMS FOR [SEVERELY HANDICAPPED CHILDREN] *CHILDREN WITH SEVERE DISABILITIES*

SEC. 624. (a) The Secretary may make grants to, or enter into contracts or cooperative agreements with, such organizations or institutions, as are determined by the Secretary to be appropriate, to address the *special education, related services and early intervention* needs of [severely handicapped children and youth] *children and youth with severe disabilities*, for—

(1) research to identify and meet the full range of special *education, related services and early intervention* needs of such [handicapped children and youth] *children and youth with severe disabilities*,

(2) the development or demonstration of new, or improvements in existing, methods, approaches, or techniques which would contribute to the adjustment and education of [such handicapped children and youth] *children and youth with severe disabilities*,

(3) training of *special and regular education, related services and early intervention personnel* for programs specifically designed for such *infants, toddlers*, children and youth, and

* * * * * * *

(d) The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, public or nonprofit private agencies, institutions, or organizations for the development and operation of extended school year demonstration programs for children and youth with disabilities.

POSTSECONDARY EDUCATION

SEC. 625. (a)(1) The Secretary may make grants to, or enter into contracts with, State educational agencies, institutions of higher education, junior and community colleges, vocational and technical institutions, and other appropriate nonprofit educational agencies for the development, operation, and dissemination of specially designed model programs of postsecondary, vocational, technical, continuing, or adult education for [handicapped individuals] *individuals with disabilities*.

(2) In making grants or contracts on a competitive basis under paragraph (1), the Secretary shall give priority consideration to 4 regional centers for the deaf and to model programs for individuals with [handicapping] *disabling* conditions other than deafness—

(A) for developing and adapting programs of postsecondary, vocational, technical, continuing, or adult education to meet the special needs of [handicapped individuals] *individuals with disabilities*; and

(B) for programs that coordinate, facilitate, and encourage education of [handicapped individuals] *individuals with disabilities* with their [nonhandicapped] *nondisabled* peers.

(3) Persons operating programs for [handicapped persons] *persons with disabilities* under a grant or contract under paragraph (1) must coordinate their efforts with and disseminate information about their activities to the clearinghouse on postsecondary programs established under section 633(b).

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(6) Of the sums made available for programs under paragraph (1), not less than [$2,000,000] *$4,000,000* shall first be available for the 4 regional centers for the deaf.

[(b) For the purposes of subsection (a) the term "handicapped individuals" means individuals who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously emotionally disturbed, orthopedically impaired, other health impaired individuals, or individuals with specific learning disabilities who by reason thereof require special education and related services.]

(b) For the purposes of subsection (a) the term "individuals with disabilities" means individuals—

(1) with—

(A) mental retardation;

(B) hearing impairments, including deafness;

(C) speech or language impairments;

(D) visual impairments, including blindness;

(E) serious emotional disturbances;

(F) orthopedic impairments;

(G) autism;

(H) head injuries;

(I) other health impairments; or

(J) specific learning disabilities, and

(2) who, by reason thereof, need special education and related services.

SECONDARY EDUCATION AND TRANSITIONAL SERVICES FOR [HANDICAPPED YOUTH] *CHILDREN AND YOUTH WITH DISABILITIES*

SEC. 626. (a) * * *

(1) strengthen and coordinate special education and related services for [handicapped youth] *youth with disabilities* currently in school or who recently left school to assist them in the transition to postsecondary education, vocational training, competitive employment (including supported employment), continuing education, or adult services,

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(3) stimulate the improvement of the vocational and life skills of [handicapped students] *students with disabilities* to

enable them to be better prepared for transition to adult life and services.

* * * * * * *

(1) developing strategies and techniques for transition to independent living, vocational training, vocational rehabilitation, postsecondary education, and competitive employment (including supported employment) for [handicapped youth] *youth with disabilities*,

(2) establishing demonstration models for services, programs, and individualized education programs, which emphasize vocational training, *independent living*, transitional services, and placement for [handicapped youth] *youth with disabilities*,

(3) conducting demographic studies which provide information on the numbers, age levels, types of [handicapping] *disabling* conditions, and services required for [handicapped youth] *youth with disabilities* in need of transitional programs,

(4) specially designed vocational programs to increase the potential for competitive employment for [handicapped youth] *youth with disabilities*,

* * * * * * *

(6) initiating cooperative models among educational agencies and adult service agencies, including vocational rehabilitation, mental health, mental retardation, and public employment, and employers, which facilitate the planning and developing of transitional services for [handicapped youth] *youth with disabilities* to postsecondary education, vocational training, employment, continuing education, and adult services,

(7) developing appropriate procedures for evaluating vocational training, placement, and transitional services for [handicapped youth] *youth with disabilities*,

(8) conducting studies which provide information on the numbers, age levels, types of [handicapping] *disabling* conditions and reasons why [handicapped youth] *youth with disabilities* drop out of school,

(9) developing special education curriculum and instructional techniques, *and related services*, that will improve [handicapped students' acquisition of the skills] *the acquisition of skills by students with disabilities* necessary for transition to adult life and services, [and]

(10) specially designed physical education and therapeutic recreation programs to increase the potential of [handicapped youths] *youths with disabilities* for community participation[.] *and*

(11) developing and disseminating exemplary programs and practices that meet the unique needs of students who utilize assistive technology devices and assistive technology services as such students make the transition to postsecondary education, vocational training, competitive employment (including supported employment) and continuing education or adult services.

* * * * * * *

(2) describe the procedures that will be used for coordinating services among agencies for which [handicapped youth] *youth with disabilities* are or will be eligible, and

(3) to the extent appropriate provide for the direct participation of [handicapped students] *students with disabilities* and the parents of [handicapped students] *students with disabilities* in the planning, development, and implementation of such projects.

(e) The Secretary is authorized to make grants to, or to enter into contracts or cooperative agreements with, such organizations or institutions as are determined by the Secretary to be appropriate for the development or demonstration of new or improvements in existing methods, approaches, or techniques which will contribute to the adjustment and education of [handicapped children and youth] *children and youth with disabilities* and the dissemination of materials and information concerning practices found effective in working with such children and youth.

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(g) The Secretary shall award at least five grants on a competitive basis to projects in which the State educational agency and the State vocational rehabilitation agency submit a joint application to implement and improve transition services for youth with disabilities aged 14 through 21. The Secretary shall give priority to such joint applications that —

(1) target resources to school settings, such as providing access to rehabilitation counselors for students with disabilities who are in school settings;

(2) provide for cooperative arrangements for interagency funding of transition services and that encourage public and private sector investment in transition services;

(3) provide for early, ongoing information and training for individuals involved with or who could be involved with transition services, such as professionals, parents, and youth with disabilities, including self-advocacy training for such youth; and

(4) ensure, that when appropriate and no later than age 22, youth who participate in transition services will be served in accordance with the provisions of section 110 of the Rehabilitation Act of 1973 or under part C of title VI of the Rehabilitation Act of 1973.

(h)(1) The Secretary may make grants to, or enter into contracts or cooperative agreements with, institutions of higher education, State educational agencies, local educational agencies, other appropriate public and private nonprofit institutions or agencies, or other organizations or institutions as are determined by the Secretary to be appropriate, to address the multiple transitions that a child with a disability may face throughout such child's years in school, including but not limited to—

(A) the transition from medical care to special education for those children with disabilities, including chronic health impairments, who may require individualized health-related services to enable them to participate in, or benefit from, special education;

(B) the transition between residential placement and community-based special education services; and

(C) the transition between a separate educational placement and the regular classroom setting.

(2) Authorized activities for projects assisted under paragraph (1) include, but are not limited to—

(A) research, demonstrations, and outreach;

(B) a census to determine the number of children and youth with disabilities who need individualized health-related services to enable them to participate in, or benefit from, special education, and to determine the types of health-related services needed by such children;

(C) training of school nurses, educators, and related-services providers, aides, and others to provide health-related services;

(D) training of case managers;

(E) demonstration models to enhance and facilitate continuing interaction between medical and school personnel regarding the on-going needs of students with disabilities, including chronic health impairments; and

(F) demonstration models to explore multiple source of funding for health-related services.

(3) In making grants, and entering into contracts and cooperative agreements under this subsection, the Secretary shall ensure that the approved activities will be coordinated with similar activities funded under other sections of this Act.

(4) To the extent feasible, programs authorized by this subsection shall be geographically dispersed throughout the Nation in urban and rural areas.

PROGRAMS FOR CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL DISTURBANCES

SEC. 627. (a) Program Authorized.—(1) The Secretary is authorized to make grants to institutions of higher education, State educational agencies, local educational agencies, or other appropriate public and private nonprofit institutions for research, demonstration and training or agencies to improve special education and related services to children and youth with serious emotional disturbances. Such grants may be used for—

(1) studies regarding the state of special education and related services to such children and youth and their families, including the establishment and maintenance of data bases for assessing the status of such services over time;

(2) projects to develop methodologies and curricula designed to improve special education and related services programming;

(3) projects to develop and demonstrate strategies and approaches to reduce the use of out-of-community residential programs and the increase use of school district-based programs including, but not limited to, day treatment programs, after-school, and summer programs;

(4) projects to develop the knowledge, skills, and strategies for effective collaboration among special education, regular education, related services, and other professionals and agencies, including demonstration projects;

(E) projects to demonstrate innovative approaches to prevent children and youth with emotional and behavioral problems from developing serious emotional disturbances that require the provision of special education and related services; or

(F) knowledge synthesis and dissemination activities.

(2) At least one study conducted under paragraph (a)(1) shall examine the extent to which out-of-community residential programs are used for children and youth with serious emotional disturbances, the factors that influence such placement decisions, the extent to which such children and youth return to educational programs in their communities, and the factors which facilitate or impede such return.

PROGRAM EVALUATIONS

SEC. [627.] *628.* The Secretary shall conduct, either directly or by contract, a thorough and continuing evaluation of the effectiveness of each program assisted under this part. Results of the evaluations shall be analyzed and submitted to the appropriate committees of each House of Congress together with the annual report under section 618.

AUTHORIZATION OF APPROPRIATIONS

[SEC. 628. (a) There are authorized to be appropriated to carry out section 621, $6,700,000 for the fiscal year 1987, $7,100,000 for fiscal year 1988, and $7,500,000 for fiscal year 1989.

[(b) There are authorized to be appropriated to carry out section 622, $15,900,000 for fiscal year 1987, $16,800,000 for fiscal year 1988, and $17,800,000 for fiscal year 1989.

[(c) There are authorized to be appropriated to carry out section 623, $24,470,000 for fiscal year 1987, $25,870,000 for fiscal year 1988, and $27,410,000 for fiscal year 1989.

[(d) There are authorized to be appropriated to carry out section 624, $5,300,000 for fiscal year 1987, $5,600,000 for fiscal year 1988, and $5,900,000 for fiscal year 1989.

[(e) There are authorized to be appropriated to carry out section 625, $5,900,000 for fiscal year 1987, $6,200,000 for fiscal year 1988, and $6,600,000 for fiscal year 1989.

[(f) There are authorized to be appropriated to carry out section 626, $7,300,000 for fiscal year 1987, $7,700,000 for fiscal year 1988, and $8,100,000 for fiscal year 1989.]

SEC. 629. (a) There are authorized to be appropriated to carry out section 621, $7,500 000 for fiscal year 1990, $8,100,000 for fiscal year 1991, $8,750,000 for fiscal year 1992, $9,450,000 for fiscal year 1993, and $10,204,000 for fiscal year 1994.

(b) There are authorized to be appropriated to carry out section 622 $17,800,000 for fiscal year 1990, $19,220,000 for fiscal year 1991, $20,760,000 for fiscal year 1992, $22,420,000 for fiscal year 1993, and $24,220,000 for fiscal year 1994.

(c) There are authorized to be appropriated to carry out section 623 $27,410,000 for fiscal year 1990, $29,600,000 for fiscal year 1991, $31,970,000 for fiscal year 1992, $34,530,000 for fiscal year 1993, and $37,290,000 for fiscal year 1994.

(d) There are authorized to be appropriated to carry out section 624 $6,500,000 for fiscal year 1990, $7,020,000 for fiscal year 1991, $7,580,000 for fiscal year 1992, $8,190,000 for fiscal year 1993, and $8,840,000 for fiscal year 1994.

(e) There are authorized to be appropriated to carry out section 625 $8,770,000 for fiscal year 1990, $9,470,000 for fiscal year 1991, $10,230,000 for fiscal year 1992, $11,050,000 for fiscal year 1993, and $11,930,000 for fiscal year 1994.

(f) There are authorized to be appropriated to carry out section 626 $9,000,000 for fiscal year 1990, $12,000,000 for fiscal year 1991, $15,000,000 for fiscal year 1992, $18,000,000 for fiscal year 1993, and $21,000,000 for fiscal year 1994.

(g) There are authorized to be appropriated to carry out section 627 $2,000,000,000 for fiscal year 1990, $5,000,000 for fiscal year 1991, $6,000,000 for fiscal year 1992, $7,000,000 for fiscal year 1993, and $8,000,000 for fiscal year 1994.

PART D—TRAINING PERSONNEL FOR THE EDUCATION OF [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

GRANTS FOR PERSONNEL TRAINING

SEC. 631. (a)(1) The Secretary may make grants, which may include scholarships with necessary stipends and allowances, to institutions of higher education (including university affiliated programs and satellite centers participating in programs under part D of the Developmental Disabilities Assistance and Bill of Rights Act) and other appropriate nonprofit agencies to assist them in training personnel for careers in [special education and early intervention] *special education, related services, and early intervention*, including—

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(B) related services to [handicapped children and youth] *children and youth with disabilities* in educational settings,

[(C) special education supervision and administration,]

(C) special education leadership, including supervision and administration, and personnel preparation of special educators and other personnel providing related services and pre-school and early intervention services for children with disabilities, and

(D) special education research[, and].

[(E) training of special education personnel and other personnel providing special services and pre-school and early intervention services for handicapped children.]

(2)(A) The Secretary shall base the award of grants under paragraph (1) on information relating to the present and projected need [for the personnel] *for special education, related services, early intervention, and other personnel* to be trained based on identified State, regional or national shortages, and the capacity of the institution or agency to train qualified personnel, and other information considered appropriate by the Secretary.

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(5) Nothing in this subsection shall be construed to prevent regular education or special education personnel from benefiting from or participating in training activities conducted under this subsection on a preservice or inservice basis.

(6) The Secretary shall establish priorities for—

(A) the recruitment and preparation of students from the diversity of racial, ethnic and linguistic backgrounds, and individuals with disabilities, for careers in special education, related services, and early intervention, including special education leadership; and

(B) the preservice preparation of special education, related services, and early intervention personnel to serve individuals from the diversity of racial, ethnic, or linguistic backgrounds.

(b) The Secretary may make grants to institutions of higher education, State agencies, and other appropriate nonprofit agencies to conduct special projects to develop and demonstrate new approaches (including the application of new technology) for the preservice training purposes set forth in subsection (a), for regular educators, for the training of teachers to work in community and school settings, with [handicapped secondary school students,] *students with disabilities*, and for the inservice training of special education personnel, including classroom aides, related services personnel, and regular education personnel who serve [handicapped children] *children with disabilities* and personnel providing early intervention services[.], *and for the recruitment and retention of special education, related services, and early intervention personnel.*

(c)(1) The Secretary may make grants through a separate competition to private nonprofit organizations for the purpose of providing training and information to parents of [handicapped children] *children with disabilities* and persons who work with parents to enable such individuals to participate more effectively with professionals in meeting the educational needs of [handicapped children] *children with disabilities*. Such grants shall be designed to meet the unique training and information needs of parents of [handicapped children] *children with disabilities* living in the area to be served by the grant, particularly those who are members of groups that have been traditionally underrepresented.

(2) In order to receive a grant under paragraph (1) a private nonprofit organization shall—

(A) be governed by a board of directors of which a majority of the members are parents of [handicapped children] *children with disabilities* and which includes members who are professionals in the field of special education and related services who serve [handicapped children and youth] *children and youth with disabilities*, or if the nonprofit private organization does not have such a board, such organization shall have a membership which represents the interests of individuals with [handicapping] *disabling* conditions, and shall establish a special governing committee of which a majority of the members are parents of [handicapped children] *children with disabilities* and which includes members who are professionals in the fields of special education and related services, to operate the training and information program under paragraph (1);

(B) serve the parents of children with the full range of [handicapping] *disabling* conditions under such grant program; and

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(B) be targeted to parents of [handicapped children] *children with disabilities* in both urban and rural areas or on a State or regional basis.

(5) Parent training and information programs assisted under paragraph (1) shall assist parents to—

(A) better understand the nature and needs of the [handicapping] *disabling* conditions of children,

(B) provide followup support for [handicapped children's educational programs] *educational programs for children with disabilities*,

* * * * * * *

(D) participate in educational decisionmaking processes including the development of a [handicapped child's individualized education program] *the individualized education program of a child with a disability*,

(E) obtain information about the programs, services, and resources available to [handicapped children] *children with disabilities* and the degree to which the programs, services, and resources are appropriate, and

(F) understand the provisions for the education of [handicapped children] *children with disabilities* as specified under part B of this Act.

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(7) Each private nonprofit organization operating a program receiving a grant under paragraph (1) shall consult with appropriate agencies which serve or assist [handicapped children and youth] *children and youth with disabilities* and are located in the jurisdictions served by the program.

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GRANTS TO STATE EDUCATIONAL AGENCIES AND INSTITUTIONS FOR TRAINEESHIPS

SEC. 632. (a) * * *

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(c) Grants made under this section shall be for the purpose of assisting States in establishing and maintaining preservice and inservice programs to prepare *special and regular education, related services, and early intervention* personnel to meet the needs of [handicapped infants, toddlers, children, and youth] *infants, toddlers, children, and youth with disabilities* or supervisors of such persons, consistent with the personnel needs identified in the State's comprehensive system of personnel development under section 613 and under section 676(b)(8)[.] *and to assist the State in developing and maintaining such systems and conducting personnel recruitment and retention activities.*

(d) The Secretary is authorized to provide directly or by grant, contract, or cooperative agreement, technical assistance to State educational agencies on matters pertaining to the effective implementation of section 613(a)(3).

CLEARINGHOUSES

SEC. 633. [(a) The Secretary is authorized to make a grant to or enter into a contract with a public agency or a nonprofit private organization or institution for a national clearinghouse on the education of the handicapped and to make grants or contracts with a public agency or a nonprofit private organization or institution for other support projects which may be deemed necessary by the Secretary to disseminate information and provide technical assistance on a national basis to parents, professionals, and other interested parties concerning—

[(1) programs relating to the education of the handicapped under this Act and under other Federal laws, and

[(2) participation in such programs, including referral of individuals to appropriate national, State, and local agencies and organizations for further assistance.

[(b) In addition to the clearinghouse established under subsection (a), the Secretary shall make a grant or enter into a contract for a national clearinghouse on postsecondary education for handicapped individuals for the purpose of providing information on available services and programs in postsecondary education for the handicapped.]

(a) The Secretary shall make a grant to or enter into a contract or cooperative agreement with, a public agency or a nonprofit private organization or institution for a national clearinghouse on the education of individuals with disabilities. Such clearinghouse shall—

(1) collect, synthesize, develop, and disseminate information on a national basis to parents, professionals, and other interested parties concerning programs and services relating to the education of individuals with disabilities under this Act and under other Federal laws;

(2) participate in programs related to disability issues in order to provide outreach, technical assistance, information collection and dissemination, and referral of individuals to appropriate national, State, and local agencies and organizations;

(3) coordinate outreach activities with relevant Federal, State, and local organizations and other sources of information, programs, and services, including organizations representing individuals with disabilities, to promote public awareness of disability issues and the availability of information, programs, and services for infants, toddlers, children, and youth with disabilities;

(4) provide technical assistance to national, Federal, regional, State and local agencies and organizations seeking to establish information and referral services for individuals with disabilities and their families;

(5) participate in the dissemination of the results of research, demonstration projects, and models funded under Parts C

through G of this Act, as deemed appropriate by the Secretary; and

(6) collect and provide the Secretary with data on the information needs of parents, professionals, individuals with disabilities, and others regarding the provision of special education, related services, and early intervention.

(b) In addition to the clearinghouse established under subsection (a), the Secretary shall make a grant or enter into a contract or cooperative agreement for a national clearinghouse on postsecondary education for individuals with disabilities. Such clearinghouse shall—

(1) collect, develop, synthesize, and disseminate information on a national basis to individuals with disabilities, parents, professionals, and other interested parties, regarding—

(A) available services and programs in postsecondary education for individuals with disabilities;

(B) characteristics of individuals entering into and participating in, the programs set forth in subparagraph (A);

(C) laws affecting individuals with disabilities and the programs set forth in subparagraph (A);

(D) sources of financial aid for the education and training of individuals with disabilities; and

(E) policies, procedures, support services, adaptations, and other resources available or recommended to facilitate the education, rehabilitation, and retraining of adults with disabilities;

(2) identify areas of need for additional information regarding postsecondary education for individuals with disabilities; and

(3) coordinate with professionals, relevant Federal, State, and local agencies, and appropriate organizations to disseminate information on, and promote awareness of, issues relevant to the postsecondary education of individuals with disabilities.

(c) The Secretary shall make a grant or enter into a contract or *cooperative agreement* for a national clearinghouse designed to encourage students to seek careers and professional personnel to seek employment in the various fields relating to the education of [handicapped children and youth] *children and youth with disabilities* through the following:

(1) Collection and dissemination of information on current and future national, regional, and State needs for special education and related services personnel.

(2) Dissemination of information to high school counselors and others concerning current career opportunities in special education, location of programs, and various forms of financial assistance (such as scholarships, stipends, and allowances).

(3) Identification of training programs available around the country.

(4) Establishment of a network among local and State educational agencies and institutions of higher education concerning the supply of graduates and available openings.

(5) Technical assistance to institutions seeking to meet State and professionally recognized standards.

(6) Assistance to institutions of higher education, States, and others to recruit persons for professional careers in special education, related services, and early intervention, including strategies for recruiting individuals from the diversity of racial, ethnic and linguistic backgrounds, and individuals with disabilities.

(d)(1) In awarding [the grants and contracts] *grants, contracts and cooperative agreements* under this section, the Secretary shall give particular attention to demonstrated experience at the national level relevant to performance of the functions established in the section, and ability to conduct such projects, communicate with the intended consumers of information, and maintain the necessary communication with other agencies and organizations.

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(3) In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall give particular attention to demonstrated experience at the national level in providing information services to racially, ethnically, and linguistically diverse consumers, rural and urban consumers, and organizations which serve infants, toddlers, children and youth with disabilities, their families, and professionals.

REPORTS TO THE SECRETARY

SEC. 634. (a) * * *

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AUTHORIZATION OF APPROPRIATIONS

[SEC. 635. (a) There are authorized to be appropriated to carry out this part (other than section 633) $70,400,000 for fiscal year 1987, $74,500,000 for fiscal year 1988, and $79,000,000 for fiscal year 1989. There are authorized to be appropriated to carry out section 633, $1,200,000 for fiscal year 1987, $1,900,000 for fiscal year 1988, and $2,000,000 for fiscal year 1989.

[(b) Of the funds appropriated pursuant to subsection (a) for any fiscal year, the Secretary shall reserve not less than 65 per centum for activities described in subparagraphs (A) through (E) of section 631(a)(1).

[(c) Of the funds appropriated under subsection (a) for any fiscal year, the Secretary shall reserve 10 percent for activities under section 631(c).]

SEC. 635. (a)(1) There are authorized to be appropriated to carry out this part (other than sections 631(c) and 633) $86,900,000 for fiscal year 1990, $93,850,000 for fiscal year 1991, $101,360,000 for fiscal year 1992, $111,500,000 for fiscal year 1993, and $120,420,000 for fiscal year 1994.

(2) There are authorized to be appropriated to carry out section 631(c) $9,000,000 for fiscal year 1990, $10,000,000 for fiscal year 1991, $11,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, and $13,000,000 for fiscal year 1994.

(3) There are authorized to be appropriated to carry out section 633 $2,000,000 for fiscal year 1990, $2,160,000 for fiscal year 1991,

$2,230,000 for fiscal year 1992, $2,520,000 for fiscal year 1993, and $2,720,000 for fiscal year 1994.

(b) Of the funds appropriated pursuant to subsection (a)(1) for any fiscal year, the Secretary shall reserve not less than 65 percent for activities described in section 631(a)(1).

(c) Of the funds appropriated under subsection (a)(1) for any fiscal year, the Secretary shall reserve not less than 10 percent for activities under section 632.

[PART E—RESEARCH IN THE EDUCATION OF HANDICAPPED INDIVIDUALS]

PART E—ADVANCING KNOWLEDGE AND PRACTICE

[RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN]

RESEARCH AND RELATED ACTIVITIES

[SEC. 641. (a) The Secretary may make grants to, or enter into contracts or cooperative agreements with, State and local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations for research and related activities to assist special education personnel, related services personnel, early intervention personnel, and other appropriate persons, including parents, in improving the special education and related services and early intervention services for handicapped infants, toddlers, children, and youth, and to conduct research, surveys, or demonstrations relating to the provision of services to handicapped infants, toddlers, children, and youth. Research and related activities shall be designed to increase knowledge and understanding of handicapping conditions, and teaching, learning, and education-related developmental practices and services for handicapped infants, toddlers, children, and youth. Research and related activities assisted under this section shall include the following:

[(1) The development of new and improved techniques and devices for teaching handicapped infants, toddlers, children, and youth.

[(2) The development of curricula which meet the unique educational and developmental needs of handicapped infants, toddlers, children, and youth.

[(3) The application of new technologies and knowledge for the purpose of improving the instruction of handicapped infants, toddlers, children, and youth.

[(4) The development of program models and exemplary practices in areas of special education and early intervention.

[(5) The dissemination of information on research and related activities conducted under this part to regional resource centers and interested individuals and organizations.

[(6) The development of instruments, including tests, inventories, and scales, for measuring progress of handicapped infants, toddlers, children, and youth across a number of developmental domains.

[(b) In carrying out subsection (a), the Secretary shall consider the special education or early intervention experience of applicants under such subsection.

[(c) The Secretary shall publish proposed research priorities in the Federal Register every 2 years, not later than July 1, and shall allow a period of 60 days for public comments and suggestions. After analyzing and considering the public comments, the Secretary shall publish final research priorities in the Federal Register not later than 30 days after the close of the comment period.

[(d) The Secretary shall provide an index (including the title of each research project and the name and address of the researching organization) of all research projects conducted in the prior fiscal year in the annual report described under section 618. The Secretary shall make reports of research projects available to the education community at large and to other interested parties.

[(e) The Secretary shall coordinate the research priorities established under subsection (c) with research priorities established by the National Institute on Disability and Rehabilitation Research and shall provide information concerning research priorities established under such subsection to the National Council on Disability and to the Bureau of Indian Affairs Advisory Committee for Exceptional Children.]

SEC. 641. The Secretary is authorized to make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, and other public agencies and nonprofit private organizations to assess and improve the practice of personnel, and the roles of other appropriate persons, including parents, in the provision of special education, related services, and early intervention, through the development and exchange of knowledge. In carrying out this section, the Secretary may support a wide range of research, demonstrations, and related activities designed to—

(1) advance knowledge regarding the provision of instruction and other interventions to infants, toddlers, children and youth with disabilities including, but not limited to—

(A) the organization, synthesis, and interpretation of current knowledge and the identification of knowledge gaps;

(B) the identification of knowledge and skill competencies needed by personnel providing special education, related services, and early intervention; services;

(C) the improvement of knowledge regarding the developmental and learning characteristics of infants, toddlers, children, and youth with disabilities in order to improve the design and effectiveness of interventions and instruction;

(D) the evaluation of approaches and interventions;

(E) the development of instructional strategies, techniques, and activities;

(F) the improvement of curricula and instructional tools such as textbooks, media, materials, and technology;

(G) the development of assessment techniques, instruments, and strategies for the identification and evaluation of individuals eligible for special education, related services, or early intervention services;

(H) the testing of research findings in practice settings to determine the application, usability, effectiveness, and generalizability of such research findings; and

(I) the improvement of knowledge regarding families, racial and ethnic diversity, and disabling conditions; and

(2) advance the utilization of knowledge by personnel providing special education, related services, and early intervention services, including, but not limited to—

(A) the improvement of knowledge regarding how such individuals learn new knowledge and skills, and strategies for effectively facilitating such learning in preservice, inservice and continuing education;

(B) the organization, integration, and presentation of knowledge so that such knowledge can be incorporated in personnel preparation, continuing education programs, and other relevant training and communication vehicles; and

(C) the expansion and improvement of networks that exchange knowledge and practice information.

PROGRAM MANAGEMENT AND EFFECTIVENESS

SEC. 642. (a)(1) The Secretary shall make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, public agencies, and nonprofit organizations, and, when necessary because of the unique nature of the study, private for-profit organizations, for the purpose of conducting studies and investigations for improving program management, administration, delivery, and effectiveness necessary to provide full educational opportunities and early interventions for all individuals with disabilities from birth through age 21. Such studies and investigations shall gather information necessary for program and system improvements including, but not limited to—

(A) developing effective racially, ethnically, and linguistically appropriate criteria and procedures to identify, evaluate, and serve infants, toddlers, children, and youth with disabilities for purposes of program eligibility, program planning, delivery of services, program placement, and parental involvement;

(B) planning and developing effective early intervention services, special education, and related services to meet the complex and changing needs of infants, toddlers, children, and youth with disabilities;

(C) developing and implementing a comprehensive system of personnel development needed to provide qualified personnel in sufficient number to deliver special education, related services, and early intervention services;

(D) developing the capacity to implement practices having the potential to integrate children with disabilities, to the maximum extent appropriate, with children who are not disabled;

(E) effectively allocating and using human and fiscal resources for providing early intervention, special education and related services;

(F) strengthening programs and services to improve the progress of children and youth with disabilities while in special

education, and to effect a successful transition when they leave special education;

(G) achieving interagency coordination to maximize resource utilization and continuity in services provided to infants, toddlers, children and youth with disabilities,

(H) strengthening parent-school communication and coordination to improve the effectiveness of planning and delivery of interventions and instruction, thereby enhancing development and educational progress; and

(I) the identification of environmental, organizational, resource, and other conditions necessary for effective professional practice.

(2)(A) The studies and investigations authorized under this subsection may be conducted through surveys, interviews, case studies, program implementation studies, secondary data analyses and syntheses, and other appropriate methodologies.

(B) The studies and investigations conducted under this subsection shall address the information needs of State and local educational agencies for improving program management, administration, delivery, and effectiveness.

(3) The Secretary shall develop and implement a process for the on-going identification of national program information needs necessary for improving the management, administration, delivery, and effectiveness of programs and services under this Act. The process shall identify implementation issues, desired improvements, and information needed by State and local agencies to achieve such improvements, and shall be conducted in cooperation with State educational agencies that can ensure broad-based statewide input from each cooperating State. The Secretary shall publish for public comment in the Federal Register every 3 years a program information plan describing such information needs. Such program information plan shall be used to determine the priorities for, and activities carried out under, this subsection to produce, organize, and increase utilization of program information. Such program information plan shall be included in the annual reported submitted under section 618 every 3 years.

(b)(1) The Secretary shall, by grant, contract, or cooperative agreement, provide for special studies to assess progress in the implementation of this Act, and to assess the impact and effectiveness of State and local efforts and efforts by the Secretary of the Interior to provide free appropriate public education to children and youth with disabilities, and early intervention services to infants and toddlers with disabilities. Each such study shall include recommendations for the improvement of the programs and services provided to infants, toddlers, children, and youth under this Act.

(2) The Secretary shall complete a longitudinal study of a sample of students with disabilities, examining—

(A) the full range of disabling conditions;

(B) the educational progress of students with disabilities while in special education; and

(C) the occupational, educational, and independent living status of students with disabilities after graduating from secondary school or otherwise leaving special education.

(3) One study conducted pursuant to this subsection shall be a nationally representative study focusing on the types, number, and intensity of related services provided to children with disabilities by disability category.

(4) One study conducted pursuant to this subsection shall be a study that examines the degree of disparity among States with regard to the placement in various educational settings of children and youth with similar disabilities, especially those with mental retardation, and, to the extent that such disparity exists, the factors that lead such children and youth to be educated in significantly different educational settings.

(5) One study conducted pursuant to this subsection shall examine the factors which have contributed to a significant decline in the number of children classified as having a specific disability since the implementation of Part B of this Act.

(c) The Secretary shall make grants to, or enter into contracts or cooperative agreements with, State or local educational agencies, institutions of higher education, other public agencies, and private nonprofit organizations to support activities that organize, synthesize, interpret, and integrate information obtained under subsections (a) and (b) with relevant knowledge obtained from other sources.

(d)(1) The Secretary shall enter into cooperative agreements with State educational agencies and other State agencies to carry out studies to assess the impact and effectiveness of this Act.

(2) The agreements referred to in paragraph (1) shall—

(A) provide for the payment of not more than 60 percent of the total cost of studies conducted by a participating State agency to assess the impact and effectiveness of this Act; and

(B) be developed in consultation with the State Advisory Panel established under Section 613(a)(12) of this Act, local educational agencies, and others involved in, or concerned with, the education of children and youth with disabilities and the provision of early intervention services to infants and toddlers with disabilities.

(3) The Secretary shall provide technical assistance to participating State agencies in the implementation of the study design, analysis, and reporting procedures.

RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR [HANDICAPPED CHILDREN] *CHILDREN WITH DISABILITIES*

SEC. [642.] *643.* The Secretary is authorized to make grants to States, State or local educational agencies, institutions of higher education, and other public or nonprofit private educational or research agencies and organizations, and to make contracts with States, State or local educational agencies, institutions of higher education, and other public or private educational or research agencies and organizations, for research and related purposes relating to physical education or recreation for [handicapped children] *children with disabilities*, and to conduct research, surveys, or demonstrations relating to physical education or recreation for [handicapped children] *children with disabilities*.

PANELS OF EXPERTS

SEC. [643.] *644.* (a) The Secretary shall convene, in accordance with subsection (b), panels of experts who are competent to evaluate proposals for projects under parts C through G. The panels shall be composed of—

(1) individuals from the field of special education for [the handicapped individuals] *individuals with disabilities* and other relevant disciplines who have significant expertise and experience in the content areas and age levels addressed in the proposals, and

(2) [handicapped individuals] *individuals with disabilities* and parents of [handicapped individuals] *individuals with disabilities* when appropriate.

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GENERAL RESEARCH PROVISIONS

SEC. 645. (a) GENERAL.—In carrying out this part, the Secretary shall consider the special education, related services, or early intervention experience, and research experience of applicants under this part.

(b) PUBLICATION.—The Secretary shall publish proposed priorities under this part in the Federal Register not later 12 months preceding the fiscal year for which they are being announced, and shall allow a period of 60 days for public comments and suggestions. The Secretary shall, after analyzing and considering the public comments, publish final priorities in the Federal Register not later than 90 days after the close of the comment period.

(c) INDEX.—The Secretary shall provide an index (including the title of each project and the name and address of the funded organization) of all projects conducted under this part in the preceding fiscal year in the annual report described under section 618.

(d) The Secretary shall—

(1) coordinate the priorities established under subsection (b) with research priorities established by the National Institute for Disability and Rehabilitation Research and other appropriate agencies conducting research pertaining to the education of individuals with disabilities; and

(2) provide information concerning priorities established under subsection (b) to the National Council on Disability and to the Bureau of Indian Affairs Advisory Committee for Exceptional Children.

AUTHORIZATION OF APPROPRIATIONS

[SEC. 644. For purposes of carrying out this part, there are authorized to be appropriated $18,000,000 for fiscal year 1987, $19,000,000 for fiscal year 1988, and $20,100,000 for fiscal year 1989.]

SEC. 646. (a) There are authorized to be appropriated to carry out this part $20,100,000 for fiscal year 1990, $25,000,000 for fiscal year 1991, $28,000,000 for fiscal year 1992, $31,000,000 for fiscal year 1993, and $34,000,000 for fiscal year 1994.

(b) The Secretary shall reserve 30 percent of the funds appropriated under the authority of subsection (a) for activities under section 642.

PART F—INSTRUCTIONAL MEDIA FOR [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

SEC. 651. (a) The purposes of this part are to promote—

(1) the general welfare of deaf *and hard of hearing* individuals by—

(A) bringing to such individuals understanding and appreciation of those films *and television programs* that play such an important part in the general and cultural advancement of hearing individuals;

(B) providing through these films *and television programs* enriched educational and cultural experiences through which deaf *and hard of hearing* individuals can be brought into better touch with the realities of their environment; and

(C) providing a wholesome and rewarding experience which deaf *and hard of hearing* individuals may share together; and

(2) the educational advancement of [handicapped individuals] *individuals with disabilities* by—

(A) carrying on research in the use of educational media for [handicapped individuals] *individuals with disabilities*;

(B) producing and distributing educational media for the use of [handicapped individuals] *individuals with disabilities*, their parents, their actual or potential employers, and other individuals directly involved in work for the advancement of [handicapped individuals] *individuals with disabilities*; and

(C) training individuals in the use of educational media for the instruction of [handicapped individuals] *individuals with disabilities.*

[CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED INDIVIDUALS]

CAPTIONED FILMS, TELEVISION, DESCRIPTIVE VIDEO AND EDUCATIONAL MEDIA FOR INDIVIDUALS WITH DISABILITIES

SEC. 652. (a) The Secretary shall establish a loan service of captioned films and educational media for the purpose of making such materials available, in accordance with regulations, in the United States for nonprofit purposes to [handicapped individuals] *individuals with disabilities*, parents of [handicapped individuals] *individuals with disabilities*, and other individuals directly involved in activities for the advancement of [handicapped individuals] *individuals with disabilities*, including for the purpose of addressing problems of illiteracy among [handicapped individuals] *individuals with disabilities.*

(b) The Secretary is authorized to—

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[(3) provide, by grant or contract, for the captioning of films;]

(3) provide, by grant or contract, for the captioning of films and video materials for deaf and hard of hearing individuals or audio description of video materials for blind and visually impaired individuals;

[(4) provide, by grant or contract, for the distribution of captioned films and other educational media and equipment through State schools for handicapped individuals, public libraries, and such other agencies as the Secretary may deem appropriate to serve as local or regional centers for such distribution;]

(4) provide, by grant or contract, for the distribution of captioned films or video materials, audio described video materials, and other educational media and equipment through State schools for individuals with disabilities, public libraries, and such other agencies or entities as the Secretary finds appropriate to serve as local or regional centers for such distribution;

(5) provide, by grant or contract, for the conduct of research in the use of educational and training films and other educational media for [handicapped individuals] *individuals with disabilities*, for the production and distribution of educational and training films and other educational media for [handicapped individuals] *individuals with disabilities* and the training of individuals in the use of such films and media, including the payment to those individuals of such stipends (including allowances for travel and other expenses of such individuals and their dependents) as the Secretary may determine, which shall be consistent with prevailing practices under comparable federally supported programs;

* * * * * * *

(8) provide by grant or contract for educational media and materials for deaf *and hard of hearing* individuals.

(c) The Secretary may make grants to or enter into contracts or cooperative agreements with the National Theatre of the Deaf, Inc. *and other appropriate nonprofit organizations* for the purpose of providing [theatrical] *cultural* experiences to—

(1) enrich the lives of deaf *and hard of hearing* children and adults,

(2) increase public awareness and understanding of deafness and of the artistic and intellectual achievements of deaf *and hard of hearing* individuals, and

(3) promote the integration of hearing and deaf *and hard of hearing* individuals through shared cultural experiences.

AUTHORIZATION

[SEC. 653. For the purposes of carrying out this part, there are authorized to be appropriated $15,000,000 for fiscal year 1987, $15,750,000 for fiscal year 1988, and $16,540,000 for fiscal year 1989.]

SEC. 653. There are authorized to be appropriated to carry out this part, $16,540,000 for fiscal year 1990, $17,863,000 for fiscal year 1991, $19,292,000 for fiscal year 1992, $20,835,000 for fiscal year 1993, and $22,502,000 for fiscal year 1994.

PART G—TECHNOLOGY, EDUCATIONAL MEDIA, AND MATERIALS FOR [HANDICAPPED INDIVIDUALS] *INDIVIDUALS WITH DISABILITIES*

FINANCIAL ASSISTANCE

SEC. 661. The Secretary may make grants or enter into contracts or cooperative agreements with institutions of higher education, State and local educational agencies, or other appropriate agencies and organizations for the purpose of advancing the use of [new] technology, media, and materials in the education of [handicapped students] *students with disabilities* and the provision of early intervention to [handicapped infants and toddlers] *infants and toddlers with disabilities*. In carrying out this section, the Secretary may fund projects or centers for the purposes of—

(1) determining how technology, media, and materials are being used in the education of [handicapped individuals] *individuals with disabilities* and how they can be used more effectively;

(2) designing and adapting [new] technology, media, and materials to improve the education of [handicapped students] *students with disabilities*;

(3) assisting the public and private sectors in the development and marketing of [new] technology, media, and materials for the education of [handicapped individuals] *individuals with disabilities*, [and]

(4) disseminating information on the availability and use of [new] technology, media, and materials for the education of [handicapped individuals.] *individuals with disabilities, and*

(5) increasing access to and use of assistive technology devices and assistive technology services in the education of infants, toddlers, children, and youth with disabilities, and other activities authorized under the Technology-Related Assistance for Individuals with Disabilities Act of 1988, as such Act relates to the education of students with disabilities.

AUTHORIZATION OF APPROPRIATIONS

[SEC. 662. For the purposes of carrying out this part, there authorized to be appropriated $10,000,000 for fiscal year 1987, $10,500,000 for fiscal year 1988, and $11,025,000 for fiscal year 1989.]

SEC. 662. There are authorized to be appropriated to carry out this part, $11,030,000 for fiscal year 1990, $11,900,000 for fiscal year 1991, $12,860,000 for fiscal year 1992, $13,890,000 for fiscal year 1993, and $15,000,000 for fiscal year 1994.

PART H—[HANDICAPPED INFANTS AND TODDLERS] *INFANTS AND TODDLERS WITH DISABILITIES*

FINDINGS AND POLICY

SEC. 671. (a) FINDINGS.—The Congress finds that there is an urgent and substantial need—

(1) to enhance the development of [handicapped infants and toddlers] *infants and toddlers with disabilities* and to minimize their potential for developmental delay,

(2) to reduce the educational costs to our society, including our Nation's schools, by minimizing the need for special education and related services after [handicapped infants and toddlers] *infants and toddlers with disabilities* reach school age,

(3) to minimize the likelihood of institutionalization of [handicapped individuals] *individuals with disabilities* and maximize the potential for their independent living in society, and

(4) to enhance the capacity of families to meet the special needs of their [handicapped infants and toddlers] *infants and toddlers with disabilities*.

(b) POLICY.—It is therefore the policy of the United States to provide financial assistance to States—

(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families,

(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage), and

(3) to enhance their capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to [handicapped infants, toddlers,] *infants and toddlers with disabilities*, and their families.

DEFINITIONS

SEC. 672. As used in this part—

(1) The term [''handicapped infants and toddlers''] *''infants and toddlers with disabilities''* means individuals from birth to age 2, inclusive, who need early intervention services because they—

* * * * * * *

(C) are designed to meet [a handicapped infant's or toddler's developmental needs] *the developmental needs of an infant or toddler with a disability* in any one or more of the following areas:

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GENERAL AUTHORITY

SEC. 673. The Secretary shall, in accordance with this part, make grants to States (from their allocations under section 684) to assist each State to develop a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families.

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REQUIREMENTS FOR A STATEWIDE SYSTEM

SEC. 676. (a) IN GENERAL.—A statewide system of coordinated, comprehensive, multidisciplinary, interagency programs providing appropriate early intervention service to all [handicapped infants

and toddlers] *infants and toddlers with disabilities* and their families shall include the minimum components under subsection (b).

(b) MINIMUM COMPONENTS.—The statewide system required by subsection (a) shall include, at a minimum—

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(2) timetables for ensuring that appropriate early intervention services will be available to all [handicapped infants and toddlers] *infants and toddlers with disabilities* in the State before the beginning of the fifth year of a State's participation under this part,

(3) a timely, comprehensive, multidisciplinary evaluation of the function of each [handicapped infant and toddler] *infant and toddler with a disability* in the State and the needs of the families to appropriately assist in the development of the [handicapped infant or toddler] *infant or toddler with a disability*,

(4) for each [handicapped infant and toddler] *infant and toddler with a disability* in the State, an individualized family service plan in accordance with section 677, including case management services in accordance with such service plan,

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(6) a public awareness program focusing on early identification of [handicapped infants and toddlers] *infants and toddlers with disabilities*,

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(D) the development of procedures to ensure that services are provided to [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families in a timely manner pending the resolution of any disputes among public agencies or service providers,

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(14) a system for compiling data on the number of [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families in the State in need of appropriate early intervention services (which may be based on a sampling of data, the numbers of such infants and toddlers and their families served, the types of services provided (which may be based on a sampling of data), and other information required by the Secretary.

INDIVIDUALIZED FAMILY SERVICE PLAN

SEC. 677.(a) ASSESSMENT AND PROGRAM DEVELOPMENT.—Each [handicapped infant or toddler] *infant or toddler with a disability* and the infant's or toddler's family shall receive—

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(2) a statement of the family's strengths and needs relating to enhancing the development of the family's [handicapped infant or toddler] *infant or toddler with a disability*,

* * * * * * *

(7) the steps to be taken supporting the transition of the [handicapped toddler] *toddler with a disability* to services provided under part B of this Act to the extent such services are considered appropriate.

STATE APPLICATION AND ASSURANCES

SEC. 678. (a) * * *

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(5) provide satisfactory assurance that Federal funds made available under section 673 (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families and in no case to supplant such State and local funds,

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USES OF FUNDS

SEC. 679. In addition to using funds provided under section 673 to plan, develop, and implement the statewide system required by section 676, a State may use such funds—

(1) for direct services for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families that are not otherwise provided from other public or private sources, and

(2) to expand and improve on services for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families that are otherwise available.

PROCEDURAL SAFEGUARDS

SEC. 680. * * *

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(4) Procedures to protect the rights of the [handicapped infant or toddler] *infant or toddler with a disability* whenever the parents or guardian of the child are not known or unavailable or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State agency providing services) to act as a surrogate for the parents or guardian.

(5) Written prior notice to the parents or guardian of the [handicapped infant or toddler] *infant or toddler with a disability* whenever the State agency or service provider proposes to initiate or change or refuses to initiate or change the identification, evaluation, placement, or the provision of appropriate early intervention services to the [handicapped infant or toddler] *infant or toddler with a disability.*

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STATE INTERAGENCY COORDINATING COUNCIL

SEC. 682. (a) * * *

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[(b) COMPOSITION.—The Council shall be composed of—

[(1) at least 3 parents of handicapped infants or toddlers or handicapped children aged 3 through 6, inclusive,

[(2) at least 3 public or private providers of early intervention services,

[(3) at least one representative from the State legislature,

[(4) at least one person involved in personnel preparation,

[(5) other members representing each of the appropriate agencies involved in the provision of or payments for early intervention services to handicapped infants and toddlers and their families, and

[(6) others selected by the Governor.]

(b) COMPOSITION.—(1) Except as provided in paragraph (2) and subsection (g), the Council shall be composed as follows:

(A) At least 20 percent of the members shall be parents of infants or toddlers with disabilities, or other parents of children with disabilities of no more than 12 years of age, who have knowledge of, or experience with, programs for infants and toddlers with disabilities.

(B) At least 20 percent of the members shall be public or private providers of early intervention services.

(C) At least one member shall be from the State legislature.

(D) At least one member shall be involved in personnel preparation.

(E) The Council shall include members representing each of the agencies involved in the provision of, or payment for, early intervention services for infants and toddlers with disabilities and their families.

(F) The Council may include other members selected by the Governor. (2) Any Council that met the requirements of paragraphs (1) through (4) and paragraph (6) of section 682(b) of this Act, as in effect immediately before the effective date of the Education of Individuals with Disabilities Act of 1989 and continues to meet such prior requirements, shall be deemed to meet the requirements of this subsection.

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(3) prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention programs for [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families operated within the State.

(g) USE OF EXISTING COUNCILS.—To the extent that a State has established a Council before September 1, 1986, that is comparable to the Council described in this section, such Council shall be considered to be in compliance with [this section] *subsection (b)(1).* Within 4 years after the date the State accepts funds under section 673, such State shall establish a council that complies in full with this section.

FEDERAL ADMINISTRATION

SEC. 683. Sections 616, 617, and 620 shall, to the extent not inconsistent with this part, apply to the program authorized by this part, except that—

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(2) any reference to the education of [handicapped children] *children with disabilities* and the education of all [handicapped children] *children with disabilities* and the provision of free public education to all [handicapped children] *children with disabilities* shall be deemed to be a reference to the provision of services to [handicapped infants and toddlers] *infants and toddlers with disabilities* in accordance with this part, and

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ALLOCATION OF FUNDS

SEC. 684. (a) * * *

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(b)(1) The Secretary shall make payments to the Secretary of the Interior according to the need for such assistance for the provision of early intervention services to [handicapped infants and toddlers] *infants and toddlers with disabilities* and their families on reservations serviced by the elementary and secondary schools operated for Indians by the Department of the Interior. The amount of such payment for any fiscal year shall be 1.25 percent of the aggregate of the amount available to all States under this part for that fiscal year.

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